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 1934
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Washington, Tuesday, November 22, 1949

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIFORNIA, AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1949-1950 FISCAL PERIOD

On October 22, 1949, notice of proposed rule making was published in the *FEDERAL REGISTER* (14 F. R. 6484) regarding the expenses and rate of assessment for the 1949-1950 fiscal period under Marketing Agreement No. 96 and Order No. 55 (7 CFR Part 955) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the marketing agreement and order), it is hereby found and determined that:

§ 955.203 Expenses and rate of assessment for the 1949-1950 fiscal period.
 (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, for its maintenance and functioning during the fiscal period beginning August 1, 1949, will amount to \$20,000; and the rate of assessment to be paid by each handler who first ships grapefruit shall be one cent (\$0.01) per standard box of fruit shipped by such handler as the first handler thereof during the said fiscal period. Such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

(b) As used in this section, "handler," "ship," "fruit," "fiscal period," and

"standard box" shall each have the same meaning as is given to each such term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 17th day of November, 1949, to be effective 30 days after the date of publication hereof in the *FEDERAL REGISTER*.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-9375; Filed, Nov. 21, 1949;
 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supplement 3]

PART 42—IRREGULAR AIR CARRIERS AND OFF-ROUTE RULES

GENERAL RULES, POLICIES, AND INTERPRETATIONS

NOTE: The headnote for Part 42 has been revised to read as set forth above.

Acting pursuant to authority contained in sections 205 (a), 601, and 604 of the Civil Aeronautics Act of 1938, as amended, and in accordance with section 3 of the Administrative Procedure Act, the following rules, policies, and interpretations are hereby prescribed. They are made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

GENERAL

§ 42.0-1 Applicability to scheduled air carriers (CAA policies which apply to § 42.0 (b)). A scheduled air carrier electing to conduct charter flights or other special services under the provisions of this section may have its scheduled air carriers operating certificate amended upon application. The form to be used for this application may be ob-

(Continued on next page)

CONTENTS

	Page
Agriculture Department	7045
See Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Munz, Albert-----	7054
Pacz, Aladar-----	7054
Stebbins, James H-----	7054
Air Force Department	
Rules and regulations:	
Women's Army Corps; commissioned officers and Organized Reserve Corps-----	7045
Army Department	
Rules and regulations:	
Women's Army Corps; commissioned officers and Organized Reserve Corps-----	7044
Civil Aeronautics Board	
Notices:	
Mid-West Airlines, Inc.; hearing-----	7048
Rules and regulations:	
Air carrier, irregular, and off-route rules; general rules, policies and interpretations-----	7031
Defense Department	
See Air Force Department; Army Department.	
Federal Communications Commission	
Notices:	
Television broadcast service; program materials and room arrangements-----	7048
Rules and regulations:	
Frequency allocations and radio treaty matters; laws, treaties, agreements and arrangements relating to radio-----	7045
Federal Power Commission	
Notices:	
Transcontinental Gas Pipe Line Corp. and South Jersey Gas Co-----	7049
Virginia Electric and Power Co. and East Coast Electric Co-----	7049



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CONTENTS—Continued

	Page
Housing Expediter, Office of	
Rules and regulations:	
Michigan, New Hampshire, South Dakota and West Virginia:	
Housing	7044
Rooms in rooming houses and other establishments	7044
Interior Department	
<i>See also Land Management, Bureau of.</i>	
Notices:	
Withdrawals, public-land; procedure	7048
Interstate Commerce Commission	
Notices:	
Applications for relief:	
Cativo wood from the South to official territory	7050

RULES AND REGULATIONS

CONTENTS—Continued

	Page
Interstate Commerce Commission—Continued	
Notices—Continued	
Applications for relief—Con.	
Class and commodity rates from and to stations on Tremont and Gulf Railway	7050
Formaldehyde from Texas and Oklahoma to Ware Shoals, S. C.	7050
Pig iron from Texas to Alton, Ill	7050
Justice Department	
<i>See Alien Property, Office of.</i>	
Land Management, Bureau of Notices:	
Alaska; small tract classification	7047
Rules and regulations:	
Alaska; revocation in part of PLO 46	7045
Production and Marketing Administration	
Rules and regulations:	
Grapefruit in Arizona, Imperial County, Calif., and that part of Riverside County, Calif., situated south and east of the San Gorgonio Pass; rate of assessment for 1949-50 fiscal period	7031
Railroad Retirement Board	
Notices:	
Railroad unemployment insurance account; credit balance	7051
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
Buffalo Niagara Electric Corp	7052
Derby Gas & Electric Corp	7051
Electric Bond and Share Co	7052
New England Electric System and Narragansett Electric Co	7051
New England Gas and Electric Assn	7051
Ohio Power Co	7053
Proposed rule making:	
Registration or exemption of exchanges; proposed revision of forms and rules	7046

CODIFICATION GUIDE

	Page
Title 7	
Chapter IX:	
Part 955	7031
Title 14	
Chapter I:	
Part 42	7031
Title 17	
Chapter I:	
Part 249 (proposed)	7046
Title 24	
Chapter VIII:	
Part 825	7044

CODIFICATION GUIDE—Con.

	Page
Title 32	
Chapter V:	
Part 580	7044
Chapter VII:	
Part 880	7045
Title 43	
Chapter I:	
Appendix (Public land orders):	
46 (revoked in part by PLO 616)	7045
616	7045
Title 47	
Chapter I:	
Part 2	7045

tained from the Aviation Safety Agent responsible for the air carrier's operating certificate.

Prior to the conduct of operations off-route, the flight operations and maintenance manuals of the air carrier must be revised to incorporate additional instructions to its flight and ground personnel for the operation, servicing, and handling of the aircraft used in this type of service.

In lieu of amending its scheduled air carrier operating certificate, a scheduled air carrier may apply for an Irregular Air Carrier Operating Certificate in order to conduct charter flights or other special services both on-route and off-route under the provisions of this part.

§ 42.1-1 *Flight time (CAA interpretations which apply to § 42.1 (a) (14)).* This is construed to mean from "block to block."

§ 42.1-2 *Twilight (CAA interpretations which apply to § 42.1 (a) (20)).* The twilight referred to in this section is deemed to mean civil twilight. "The duration of civil twilight is the interval in the evening from sunset until the time when the center of the sun is 6 degrees below the horizon; or the corresponding interval in the morning between sunrise and the time at which the sun was still 6 degrees below the horizon."¹

CERTIFICATE RULES

§ 42.5-1 *Letter of registration required by Civil Aeronautics Board (CAA policies which apply to § 42.5).* Issuance of an irregular air carrier operating certificate does not relieve the recipient thereof from obtaining a Letter of Registration as required by the Economic Regulations of the Civil Aeronautics Board. An "Application for Letter of Registration" (Form CAB-2789) may be obtained from the Secretary, Civil Aeronautics Board, Attention: Operations Division, B-68, Washington 25, D. C.

§ 42.5-2 *Application for an irregular air carrier operating certificate (CAA rules which apply to § 42.5).* Application for an irregular air carrier operating certificate will be made in triplicate on Form

¹ Supplement to the "American Ephemeris, 1946—Tables of Sunrise, Sunset, and Twilight," issued by the Nautical Almanac Office, U. S. Naval Observatory. For sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

ACA-1602, provided for this purpose by the Administrator. The application form may be obtained by contacting the local Aviation Safety Agent. When the requirements, as prescribed in the Civil Air Regulations Part 42, have been met, the applicant should present his application to the local Aviation Safety Agent and arrange for inspection of his flight equipment and all ground facilities.

Where inspection of the applicant indicates that he is capable of conducting the proposed operation in accordance with applicable requirements, an irregular air carrier operating certificate will be issued, together with operations specifications, which become a part thereof, and will specify the carriage of passengers, cargo, or both; the category and class of aircraft (e. g. Airplane Single Engine Land); and the flight conditions under which operations are authorized (e. g. VFR (Day), VFR (Night), IFR (Day), IFR (Night)).

§ 42.5-3 Application for amendment (CAA rules which apply to § 42.5). Application for amendment of existing operations authorizations listed in the Operations Specifications shall be made on Form ACA-1014, Operations Specifications, available at the local Aviation Safety District Office. On the face (blank side) of the form, the air carrier should list all the operations for which authorization is desired; i. e., show operations for which approval is requested and omit the operations no longer desired or for which he is no longer qualified. The air carrier should also complete the upper half of the back of the form and submit the signed original and four copies to the local Aviation Safety Agent.

§ 42.5-4 Application for overseas and international authorization (CAA rules which apply to § 42.5). Application for overseas and international authorization shall be made to the local Aviation Safety Agent in the following manner:

(a) An applicant desiring to engage in overseas and international air transportation shall so indicate in the space provided on Form ACA-1602.

(b) The following information must be attached to the application:

(1) List of foreign areas for which operations specifications are desired.

(2) Points between which operations are contemplated.

(3) Type of activity; e. g., cargo, passengers or a combination of both, etc.

(4) Statement to the effect that diplomatic clearances have been or will be obtained prior to departure either directly or through State Department channels for entry into, or flight over, all of the foreign countries involved. (Indicate which and duration.)

(5) Arrangements which the company has completed or contemplates for the servicing and maintenance of aircraft and equipment abroad.

(6) An outline of the method by which control will be exercised by company headquarters over operations outside the continental limits of the United States or its territories. (In lieu thereof, when a single aircraft and individual are involved, appropriate addresses in foreign countries through which the operator

may be reached by normal communication channels.)

(c) An irregular air carrier possessing an irregular air carrier operating certificate, who desires to amend such certificate to include overseas and international operations authorization, shall make application on Form ACA-1014 and submit it to the local Aviation Safety Agent, together with the information required above.

(d) Any operator or pilot contemplating foreign flight should be well-acquainted with the airports of entry, fields to be visited, navigational facilities available, air laws, public health, customs, and any other requirements established by the country or countries into which operations are to be conducted.¹

§ 42.9-1 Notice (CAA rules which apply to § 42.9). Three copies of each notice, in letter form, shall be delivered by the air carrier to the district office of the Civil Aeronautics Administration serving the air carrier's principal business office, operations base, or maintenance base, whichever is appropriate, in order to give notice to the Administrator.

AIRCRAFT REQUIREMENTS

§ 42.11-1 Exclusive use (CAA policies which apply to § 42.11). When large aircraft are operated under the terms of an irregular air carrier operating certificate, the air carrier shall own or have the exclusive use of at least one such aircraft. In other words, the air carrier shall have sole possession, control, and use of such aircraft for a definite and reasonable period of time. The minimum duration of a lease which meets the above requirements will be for a period of 60 days. The basic principle in determining what constitutes a reasonable period of time is that which will enable the Administration to perform its enforcement functions. Accordingly, if circumstances warrant, a lease of more than 60 days duration may be required.

§ 42.11-2 Listing of aircraft (CAA rules which apply to § 42.11). When an air carrier utilizes large aircraft, they shall be listed in the Operations Specifications—Aircraft Identification, Form ACA-518-A. When an aircraft is no longer regularly used in the air carrier's operation, it must be deleted from the Operations Specifications — Aircraft Identification, Form ACA-518-A. Prior to listing any aircraft in the operations specifications, the following standards shall be met:

(a) The aircraft must be properly registered and there shall be conspicuously displayed in the aircraft a current Airworthiness Certificate accompanied by an appropriate Operations Record or Airplane Flight Manual.

(b) The basic empty weight of the aircraft shall be provided and procedures effected to include the aircraft in the air carrier's weight control system.

(c) Proper application covering the maintenance of all the pertinent com-

ponents of the aircraft in the maintenance manual must be submitted.

(d) The aircraft shall have the required equipment installed and shall show compliance with other requirements of applicable Civil Air Regulations, the Air Carrier Operating Certificate, and operational or route requirements. Required equipment shall include an adequate number of emergency exits for rapid evacuation in the event of an emergency or crash landing. The following table specifies the minimum number of such exits considered necessary for adequacy. Totals given in the "exits required" column include the cabin exit normally used by boarding or deplaning passengers.

Number of persons for which seats are provided:	Minimum number of exits required
5 or less	1
Exceeding 5, not exceeding 15	2
Exceeding 15, not exceeding 22	3
Exceeding 22, not exceeding 29	4
Exceeding 29, not exceeding 36	5
Exceeding 36, not exceeding 50	6
Exceeding 50, not exceeding 64	7
Exceeding 64, not exceeding 78	8

Any exceptions from the foregoing minimum requirements must have individual approval for each aircraft concerned. The installation, operation, and marking of required emergency exits must comply with the pertinent airworthiness regulations. Emergency exits of passenger-carrying aircraft shall be clearly marked with luminous paint. Such markings are to be located either on or immediately adjacent to the pertinent exit and readily visible to passengers. Location and method of operation of the handles shall be marked with luminous paint. In those instances where aircraft are, on occasion, utilized in combination cargo/passenger operation, the aircraft shall be so loaded that emergency exits will be readily accessible in direct proportion to available passenger seats, as established in the preceding table.

(e) The aircraft, its components and accessories shall be in such condition initially that application of the maintenance time limitations listed in the maintenance manual covering overhaul and inspection periods will provide a continuous state of airworthiness.

§ 42.11-3 Leasing of aircraft (CAA policies which apply to § 42.11). In those cases where an operator leases an aircraft from other parties, the Operations Specifications—Aircraft Identification form must be amended to include such aircraft. In cases where interchange of equipment agreements are concerned, aircraft may be listed on the Operations Specifications of more than one air carrier provided an explanatory statement is included on such pages indicating briefly the leasing or interchange of equipment agreement, responsibility for maintenance, applicable time limitations, and the aircraft concerned.

§ 42.12-1 Fire prevention requirements (CAA rules which apply to § 42.12). That portion of § 42.12 which requires compliance with applicable fire prevention requirements of Part 4b of

¹ This information is normally contained in the International Flight Information Manual obtainable from the Office of Aviation Information, CAA, Washington 25, D. C.

RULES AND REGULATIONS

this chapter is interpreted as meaning those requirements contained in Part 4b as amended September 20, 1946.

§ 42.16-1 *En route performance limitations (CAA policies which apply to § 42.16 (b)).* The following multiengine aircraft, not certificated in the transport category, have been found to meet the en route operating requirements of Section 42.82 at an altitude of 5,000 feet at the maximum certificated take-off weight:

- (a) Beechcraft D18S and C18S.
- (b) Boeing 247D (with feathering propellers), and 314.
- (c) Douglas B-23, DC-2 (with feathering propellers), and DC-3.
- (d) Curtiss C-46.
- (e) Lockheed 10C, 10E, 12A, 14, and 18.

It will be noted that under the provisions of § 42.80 compliance with the en route operating requirements of § 42.82 is not required prior to January 1, 1950. Therefore, the above-listed aircraft may be operated without regard to the en route performance limitations of § 42.82, until that date. Additional performance data on these aircraft will be published prior to January 1, 1950.

AIRCRAFT EQUIPMENT

§ 42.21-1 *Seats and safety belts (CAA rules which apply to § 42.21 (a) (11)).* The installation and use of an approved seat and approved individual seat belt for each person over two years of age is required. When a child under 2 years of age is held by an adult person, the safety belt shall be used only for the adult. In small aircraft, it will be permissible to carry persons in excess of the number specified in the pertinent Aircraft specification: *Provided, That the seat or seats occupied by such persons are adequate for side-by-side seating; and a safety belt is provided for each seat. Such belt shall not be used for more persons than the number for which it is approved. In any case, the maximum certificated take-off weight and allowable c. g. limits of the aircraft shall not be exceeded.*

§ 42.21-2 *Fire extinguishers (CAA rules which apply to § 42.21 (a) (12)).* A portable fire extinguisher, which shall be of an approved type, shall have a minimum capacity, if carbon tetrachloride, of 1 quart, or, if carbon dioxide, of 2 pounds, or, if other, of equivalent effectiveness.

On transport-type aircraft, fire extinguishers shall be installed so as to be accessible to the passengers and ground personnel. This may be done by securing the extinguisher near the main external cabin door. An extinguisher shall be readily available to the pilot and copilot.

An approved type fire extinguisher is one that has been approved by the Underwriters Laboratories or by the Administrator.

§ 42.21-3 *Altimeter (CAA policies which apply to § 42.21 (b) (1)).* For VFR flight at night, the installation and use of a sensitive altimeter adjustable for changes in barometric pressure is recommended.

§ 42.23-1 *Radio communications system and navigational equipment for large aircraft (CAA policies which apply to*

§ 42.23 (b)). It is the intent of § 42.23 (b) to provide, in part, for an alternative means of receiving radio navigational signals in the event of failure of the primary means.

The type of the ground radio navigational facilities utilized governs the airborne radio equipment requirements. If the route to be flown is equipped with radio range facilities, then duplicate radio range receivers would fulfill the requirements. If the route to be flown is equipped with omni-directional radio beacon facilities, then duplicate D/F equipment would fulfill the requirements. However, if the route to be flown is equipped with both types of radio facilities, the installation of duplicate D/F airborne equipment would constitute a simple means of compliance, since the D/F equipment is operative on either facility provided that there is a satisfactory method for selection of the proper antenna ("Loop Antenna" switch).

Radio equipment used for communications and/or navigation should be type certificated and adequate for the operation. In the event radio equipment is not type certificated, approval for its use may be granted after inspection has determined safety and adequacy for the operation involved.

§ 42.24-1 *First-aid and emergency equipment (CAA policies which apply to § 42.24).* First-aid kits, flotation equipment, and other emergency gear shall regularly be inspected to determine their condition and shall be provided with a means for readily determining that such equipment has not been tampered with or articles removed since last inspection. This will normally be accomplished by means of seals showing date or time of last inspection on each kit or item of emergency equipment.

The adequacy of all emergency equipment will be determined by the Administrator.

§ 42.24-2 *First-aid kit (CAA rules which apply to § 42.24 (a)).* The adequacy of the first-aid kit required by this section is determined by the number of persons aboard the aircraft. Any first-aid kit which includes at least the items listed herein, or their equivalent, shall be deemed adequate for the number of persons indicated:

(a) *No. 1 kit for aircraft of 1 to 5 persons capacity.*

- 6 iodine swabs,
- 2 compression bandages—sterile,
- 2 paper drinking cups,
- 1 container $\frac{3}{4}$ inch band-aids,
- 6 individual sterile gauze-flats,
- 1 tube burn ointment,
- 1 tourniquet,
- 2 ampoules aromatic ammonia,
- 1 Esmarch triangular bandage,
- 1 first-aid book,
- 2 3-inch bandages (to aid in improvising splints),
- 1 $\frac{1}{2}$ -inch by $2\frac{1}{2}$ yards adhesive,
- 1 pair scissors.

Approximate weight of kit— $1\frac{1}{4}$ pounds.

(b) *No. 2 kit for aircraft of 6 to 25 persons capacity.*

- 12 iodine swabs,
- 6 compression bandages—sterile,
- 4 paper drinking cups,
- 15 assorted band-aids,
- 1 yard Red Cross gauze,

- 2 tubes burn ointment,
- 2 tourniquets,
- 6 ampoules aromatic ammonia,
- 2 Esmarch triangular bandages,
- 1 first-aid book,
- 4 2-inch bandages,
- 4 3-inch bandages,
- 2 $1\frac{1}{2}$ -inch by $2\frac{1}{2}$ yards adhesive,
- 1 pair scissors.

Approximate weight of kit— $8\frac{1}{4}$ pounds.

(c) *No. 3 kit for aircraft of more than 25 persons capacity.*

- 20 iodine swabs,
- 10 compression bandages—sterile,
- 10 paper drinking cups,
- 20 assorted band-aids,
- 3 yards Red Cross gauze,
- 2 tubes burn ointment,
- 4 tourniquets,
- 6 ampoules aromatic ammonia,
- 2 Esmarch triangular bandages,
- 1 first-aid book,
- 6 2-inch bandages,
- 4 3-inch bandages,
- 3 $\frac{1}{2}$ -inch by $2\frac{1}{2}$ yards adhesive,
- 2 pairs scissors.

§ 42.24-3 *Emergency evacuation equipment (CAA policies which apply to § 42.24 (a)).* This requirement includes under emergency evacuation equipment such items as: ropes, ladders, chutes, etc., when such equipment is necessary for safe, rapid evacuation of passengers and crew in event of emergency or crash landings; e. g., a DC-4 would require such equipment, while a DC-3 normally would not, due to differences in height from fuselage exits to ground. This equipment shall be approved by the CAA after demonstration of the adequacy of the equipment. Instructions shall be included on placards within the aircraft as to the location and operation of such evacuation equipment or procedures for briefing occupants of the aircraft shall be included as a part of the Operations Manual, if required by § 42.60.

§ 42.24-4 *Emergency equipment (CAA rules which apply to § 42.24 (b))*

(a) *General.* The aircraft shall be equipped with the appropriate emergency equipment specified herein. When the type of operation requires more than one class of equipment, it will not be necessary to carry more than one supply of items duplicated in another list.

(b) *Tropical land areas.*

- 1 first-aid kit (from aircraft),
- 1 machete,
- 1 axe,
- 1 mosquito headnet for each person,
- 1 bottle insect repellent for each person,
- 1 pint drinking water for each person,
- 1 bottle chlorine tablets for water purification,
- 1 waterproof box of matches,
- 1 magnetic compass,
- 1 bottle quinine tablets,
- 1 signalling mirror,
- 1 pyrotechnic pistol and 6 cartridges,
- 1 small bore rifle and cartridges,
- 1 hunting knife,
- 1 fishing kit,
- 1 snake bite kit,
- 1 book on jungle survival.

(c) *Frigid land areas.*

- 1 first-aid kit (from aircraft),
- 1 machete,
- 1 axe,
- 1 blanket for each person,
- 2 pairs snowshoes,
- 1 pair sun glasses for each person,
- 1 book on Arctic survival.

1 waterproof box of matches,
1 magnetic compass,
1 bottle of chlorine tablets for water,
1 signalling mirror,
1 pyrotechnic pistol and 6 cartridges,
1 small-bore rifle and cartridges,
1 hunting knife,
5-day supply emergency food ration for each person,
1 pint drinking water for each person.

(d) *Tropical water areas.*

1 Gibson-girl radio and accessories,
1 first-aid kit (from aircraft),
1 life vest for each person.
Sufficient number of life rafts to accommodate all persons.
Each life raft shall contain the following:
1 canopy (for sail, sunshade, or for rain catcher),
1 life raft repair kit,
1 bailing bucket,
1 signalling mirror,
1 police whistle,
1 raft knife,
1 CO₂ bottle for emergency inflation,
1 inflation pump,
2 oars,
1 75-foot retaining line,
1 magnetic compass,
1 pyrotechnic pistol and 6 cartridges,
5-day supply of emergency food ration for each person,
1 sea water de-salting kit for each 2 persons the raft is authorized to carry, or 2 pints of water per person,
1 fishing kit,
1 book on survival.

(e) *Frigid water areas.*

1 Gibson-girl radio and accessories,
1 first-aid kit (from aircraft),
1 life vest for each person.
Sufficient number of life rafts to accommodate all persons.
Each life raft shall contain the following:
1 canopy (for sail, sunshade, rain catcher or protection from elements),
1 life raft repair kit,
1 bailing bucket,
1 signalling mirror,
1 police whistle,
1 raft knife,
1 CO₂ bottle for emergency inflation,
1 inflation pump,
2 oars,
1 75-foot retaining line,
1 magnetic compass,
1 pyrotechnic pistol and 6 cartridges,
5-day supply of emergency food ration for each person,
1 sea water de-salting kit for each 2 persons the raft is authorized to carry, or 2 pints of water per person,
1 fishing kit,
1 book on survival.

§ 42.25-1 Cockpit check list (CAA policies which apply to § 42.25). The cockpit check list shall be legible during hours of daylight and darkness under the light conditions of the cockpit.

Check lists developed by the manufacturer, military services, or the operator will be considered satisfactory, providing the following steps are covered:

Prior to starting engines,
Prior to take-off,
Cruising,
Prior to landing,
Powerplant emergencies,
After landing,
Stopping engines.

It is recommended that in all multi-engine equipment a one-engine inoperative check list be available in cockpit for pilot reference after encountering diffi-

culty which may cause one or more engines to become inoperative. It is further recommended that all aircraft having retractable gear and flaps also have check lists prepared for emergency use in event of failure.

§ 42.25-2 Minimum standard cockpit check list (CAA policies which apply to § 42.25). The following check list using general terms will be considered as the minimum standard check list for compliance with the foregoing requirements in irregular air carrier operations. Those items not applicable to the aircraft being operated may be deleted and the order of arrangement of the individual items is left to the air carrier. The check list shall include all applicable items, but will not necessarily be limited thereto.

PRIOR TO STARTING ENGINE

Fuel system:
Quantity—checked.
Proper tank selection—checked.
Mixtures—as required.
Fuel booster pumps—as required.
Cross feeds—as required.
Hydraulic system:
Brakes—set.

Electrical system:
Battery switch—proper position.

PRIOR TO TAKE-OFF

Weight and balance:
Pilot is aware of weight and take-off limitations.

Fuel system:
Quantity—rechecked.
Proper tank selection—rechecked.
Mixtures—take-off position.
Fuel booster pumps—as required.
Cross feed—as required.

Hydraulic system:
Hydraulic pressures and quantity—checked.
Brakes—checked.

Hydraulic selector valves—checked.
Anti-icing and de-icing equipment:
Checked and set.

Electrical system:
Battery switch—proper position.
Invertors—as required.
Ignition—checked.
Generators—checked.
Radio—checked.

Powerplants and propellers:
Propellers—checked and set in take-off position.
All engines—checked for proper functioning and required power.
Superchargers—checked and set in proper take-off position.

Heaters:
Checked and set.

Instruments:
Engine:
Oil: quantity, temperature, and pressure—normal for take-off.
Fuel pressure—normal for take-off.
Carburetor temperature—checked.
Cylinder head temperature—checked.

Flight:
Static and vacuum selectors—checked.
Directional gyro—set.
Altimeter—set.
Horizon—uncaged.
Turn and bank—checked.
Clock—set.

Pressurization:
Checked.
Flaps:
Wing flaps—take-off position.
Cowl flaps—take-off position.

* These items will be double-checked, such as by challenge and response, or positively checked, such as by a mechanical method.

Controls:
Auto pilot—off.
Trim tabs—set for take-off.
Gust locks—off.
Free and tested through full limit of travel.

PRIOR TO LANDING

Fuel system:
Proper tank selection—checked.
Mixtures—landing position.
Fuel booster pumps—as required.
Cross feeds—as required.
Weight and balance:
Maximum landing gross weight—checked.

Hydraulic System:
Hydraulic pressure—checked.
Brakes—checked and off.
Hydraulic selector valves—checked.
Anti-icing and De-icing equipment:
Checked.

Powerplants and propellers:
Propellers—as required.
Superchargers—as required.

Heaters:
Checked.

Instruments:
Static and vacuum selectors—checked.
Altimeter—set.
Directional gyro—set.

Pressurization:
Checked.

Controls:

Auto pilot—off.
Trim tabs—as desired.

Landing gear:
Down and locked—checked.
Flaps:
Wing flaps—as desired.
Cowl flaps—as desired.

POWERPLANT EMERGENCIES

Fuel system:
Mixture—idle cut-off on dead engine; required position on all others.
Fuel selector valve: dead engine—off.
Fuel booster pumps: dead engine—off.
Cross feeds—as required.
Throttle: dead engine—closed.

Hydraulic system:
Hydraulic selector valve—set on proper engine.
Hydraulic pressures—checked.
Brakes—checked.

Electrical system:
Ignition: off—dead engine.
Generators: off—dead engine.

Powerplants and propellers:
Propellers: low r. p. m. and feathered on dead engine—set as required on all live engines.

Engine—All live engines set for proper functioning and required power.
Superchargers—checked and set in proper position.

Heaters:
Checked and set in safe operation position.

Instruments:
Engine—oil temperature and pressure checked.
Engine—fuel supply and pressure checked.
Carburetor—temperature checked.
Cylinder head—temperature checked.

Flight instruments:
Checked and reset if necessary.

Pressurization:
Checked.

MAINTENANCE REQUIREMENTS

§ 42.30-1 General (CAA policies which apply to § 42.30.) It is the operator's responsibility to maintain all aircraft in an airworthy condition at all times when operated in irregular air carrier operation.

All maintenance, repairs, overhauls, and alterations shall be accomplished under the supervision of a certificated airmen holding the appropriate mechanical rating for the work involved.

RULES AND REGULATIONS

All repairs, overhauls, and alterations shall be in accordance with materials, procedures, and standards set forth in CAM 18 using proper equipment and tools for the type of work involved.

CAA Airworthiness Directives and manufacturers' manuals, directives, bulletins, and notes shall be complied with as directed.

Large aircraft must be maintained in accordance with the time limitations and maintenance schedules prescribed in the approved maintenance manual and the applicable Civil Air Regulations.

No engine or other major component which has not been maintained in accordance with the maintenance manual shall be installed in a large aircraft unless such engine or component is shown to be in an airworthy condition, and that it complies with current Airworthiness Directives. This may be accomplished by showing (1) that the engine or component is new and of current manufacture, (2) has been overhauled within the last 90 days by a certificated repair agency holding appropriate ratings, or (3) by disassembly to the extent necessary for the assigned agent to determine the airworthiness and extent of compliance with Airworthiness Directives and manufacturers' service bulletins.

Small aircraft must be maintained in accordance with the provisions of the applicable Civil Air Regulations and the manufacturer's recommendations. No aircraft will be dispatched on any flight during which the aircraft may exceed any prescribed maintenance time limitations.

§ 42.31-1 Inspections and maintenance—large aircraft (CAA policies which apply to § 42.31 (a) (1)). A continuous maintenance and inspection system is one in which a prescribed schedule of maintenance and inspection functions is set forth in the maintenance manual approved by the Administrator. The schedules of maintenance functions shall include the overhaul time limitations and inspection program including time limitations which are considered adequate by the Administrator to maintain the aircraft in a continuously airworthy condition.

§ 42.31-2 Maintenance and inspection—small aircraft (CAA policies which apply to § 42.31 (a) (2)). The operator may elect to establish a continuous maintenance and inspection system in his maintenance manual for the maintenance of small aircraft in the same manner as is required for the maintenance of large aircraft. Under such circumstances the maintenance manual requirements and all limitations applicable to large aircraft will also be applicable to small aircraft. Otherwise the inspections shall be conducted in accordance with the periodic and annual inspection requirements of this section and, in addition, overhauls must be conducted at or before the time limitations recommended by the manufacturers of the aircraft, aircraft engine, or other components as prescribed in CAM 18.

§ 42.31-3 Maintenance and inspection records (CAA policies which apply to § 42.31 (b)). The record required in this

paragraph may consist of the aircraft log book if it is so arranged as to provide full information on the maintenance work performed on the aircraft. In case the aircraft is maintained under a continuous maintenance and inspection system, the maintenance records which are utilized in such system may be considered as complying with this requirement; however, all such records shall be complete and shall properly identify the aircraft, aircraft time, and the extent of maintenance work or inspections performed. When maintenance or inspection functions are performed away from the principal maintenance base, a copy of the record of maintenance or inspections performed shall be retained in the aircraft and a copy promptly mailed to the principal maintenance base.

§ 42.32-1 Facilities (CAA policies which apply to § 42.32 (a)). Operators who perform their own maintenance on large aircraft will be required to show hangars, shops, servicing facilities, equipment, and spare parts adequate to maintain the aircraft in a continuous condition of airworthiness, in accordance with the details included in the maintenance manual. Some operators will no doubt contract maintenance functions to an outside agency. In such cases, it must be determined that the agency concerned meets the same requirements as above. It will be necessary, however, that the operator provide complete details in the maintenance manual of the maintenance functions to be performed as outlined in § 42.31 (a) (1).

All facilities, and equipment for the inspection, maintenance, overhaul, and repair of large aircraft must be acceptable to the Administrator. When maintenance, inspection, or overhaul work is contracted to other agencies, the working agreement must be acceptable to the Administrator as well as the facilities offered by the contractor.

§ 42.32-2 Maintenance personnel (CAA policies which apply to § 42.32 (b)). The staff of maintenance personnel employed by the air carrier must be acceptable to the Administrator.

When the air carrier desires approval for the performance of maintenance functions by another agency, the air carrier must provide at least one competent person who will be fully responsible for all maintenance functions performed by the other agency. All contacts between the Administrator and the air carrier pertaining to maintenance of aircraft will be conducted through such designated employee. This employee will be responsible for determining that maintenance or inspection functions are performed only by individuals or agencies competent thereto.

§ 42.32-3 Reporting of Mechanical Irregularities in operation (CAA policies which apply to § 42.32 (c)). All irregularities which are experienced and reported by the flight crews must be recorded under the established procedure including the aircraft identification, irregularity experienced, the corrective action taken as a result, and identification of the person making such correc-

tions. This record may be included as a part of the aircraft log book if the log book provides for an extra copy of such data to be retained in the aircraft.

§ 42.32-4 Maintenance manual (CAA rules which apply to § 42.32 (d) (1)). **(a) General.** The section of the maintenance manual which pertains to maintenance, repair, and inspection of aircraft shall include a detailed breakdown of the aircraft's component parts and emergency equipment (in accordance with the requirements of § 42.24-1) which are subjected to maintenance functions; such as, overhaul, repair, inspection, or testing. This listing of components shall indicate the time limitations at which such functions are conducted. This section of the manual shall also include an outline or description of the maintenance functions conducted at each of the scheduled maintenance operations. In many cases the inspection work sheets and work assignment forms may be used to accomplish this requirement if such forms contain sufficient information to fully describe the work done.

The outline of duties and responsibilities of maintenance personnel is to be in such form that the line of authority can be clearly traced from the top management to the maintenance crews. An organization chart showing levels of responsibility and areas of authority will accomplish this purpose.

The maintenance manual shall be loose leaf in form with letter-size pages, and shall be numbered and indexed in a manner to facilitate its use as reference material by the personnel concerned. Each page shall include space in which the date of last revision will be indicated. Existing manuals may be utilized if they are found to fulfill the requirements of this section and are considered acceptable by the local Aviation Safety Agent—Aircraft Maintenance.

At any time when approval is granted for the amendment of time limitations, the pertinent pages for the manual must be promptly revised to indicate the new time limitations.

(b) Maintenance time limitations. The approved time limitations for inspection and overhauling of aircraft, aircraft engines, propellers, and appliances must be those time limitations substantiated by, and approved for, the air carrier operator by the Administrator. Initial approval of the time limitations or approval of amendments to the time limitations will be accomplished by the Regional Office of the region in which the principal maintenance base is located. This approval will be based, to a large extent, on the recommendation of the Aviation Safety Agent—Aircraft Maintenance assigned to the operation. The procedures for amendment of such time limitations are as follows:

(1) Notification of intent to amend time limitations. An operator desiring to amend the currently approved time limitations should advise the Aviation Safety Agent—Aircraft Maintenance assigned to his operation at least 15 days prior to the submission of his intention to amend the time limitations indicating the components involved and the desired change.

(2) *Application for amendment.* The Operator shall submit a written application in the form of a letter outlining the desired changes and attaching complete substantiating data. The letter shall include a statement to the effect that the operating, service, and overhaul records of the involved components for the past 30 days indicate that the changes requested will not adversely affect the continuous condition of airworthiness and safety of operation of the involved component. The substantiating data to be submitted with this letter will include a record of all mechanical irregularities, and malfunctions, and flight interruptions experienced during the preceding 30 days of operation. It will also include overhaul and inspection records pertaining to the most recent overhauls and inspections conducted on the involved components, under the currently approved time limitations.

(3) *Limitations of time adjustments.* Requested increase of time limitations for the various components of the aircraft will not be in excess of the following increments:

(i) *Airframe.* Time adjustment up to 50 hours for the major or highest inspection periods may be made when properly substantiated. Where the inspection periods are in excess of 1,000 hours, deviation from this increment may be made on an individual component judged on its own merit. The maximum increases in overhaul periods for airframe will be 1,000 hours. Components of the aircraft such as landing gear, control systems, hydraulic systems, fuel systems, etc., should not be increased by more than approximately 10 percent of the existing overhaul period; however, this percentage may be adjusted by a reasonable amount so as to conform with the scheduling of other maintenance functions.

(ii) *Powerplant.* Time adjustments for engines, propellers, and accessories will be limited to increments of 100 hours for overhaul periods and 50 hours for the major or highest inspection periods when substantiated as outlined below.

Extensions of engine overhaul periods in excess of the existing approved time limitation may be substantiated on the basis of satisfactory findings resulting from three engine overhauls conducted at the completion of the existing authorized overhaul period. This procedure may be followed until the engine overhaul period reaches 1,000 hours. Extension of engine overhaul periods beyond 1,000 hours may be based on the results of the operation of 3 engines for an additional period of 100 hours in excess of the currently authorized period. Authorization to operate such engines must be obtained from the assigned agent. This will be accomplished when properly substantiated by a letter in which the engines are identified by make, type or model and serial number. The condition of these engines will be determined at completion of the additional period of operations. The overhaul inspection will be witnessed by the assigned agent in order that he may recommend approval or disapproval of the operator's request for additional

time. Installation of engines which are being operated in excess of the currently approved time limitations in accordance with these provisions will be limited to one on a twin-engine aircraft and two on a four-engine aircraft installed on opposite sides.

Increases of time limitations for individual components or systems must be predicated upon the service experience of the involved component and not upon its relation to another component which may receive approval for an increase.

(c) *Weight control.* The maintenance manual must include complete information covering the methods and procedures for maintaining the aircraft weights and c. g. within the approved limits. The operator may elect to establish or use any system which fulfills the safety requirements of the applicable Civil Air Regulations and which is in accordance with the following provisions:

(1) *Definitions of terms as specifically related to weight and balance control—*

(i) *Approved weight control system.* A system of continuous recordation of weight changes on individual aircraft or fleet which will provide an accurate weight and c. g. location value for all aircraft at all times. Under an approved system the responsibility is delegated to the operator.

(ii) *Operating or basic weight.* The operating or basic weight is the take-off gross weight excluding the following:

Drainable fuel,
Drainable oil (when the oil load is variable),
Crew and their baggage (when variable),
Payload (including nonrevenue load),
Food,
Other items of load or equipment that are variable from trip to trip.

NOTE: Due to variations in drainable oil, crew and their baggage required for specific operations, the operating or basic weight may not be directly comparable for different air carriers.

(iii) *Operators' empty weight.* The operators' empty weight is the operating or basic weight excluding the following items:

Passenger service,
Emergency equipment (including portable fire extinguishers and emergency radio),
Navigation equipment,
Flight spares,
Washing and drinking water,
Crew,
Crew baggage,
Drainable oil.

NOTE: This empty weight is corrected so that it will be comparable among the air carriers.

(iv) *Drainable fuel or oil.* That fuel or oil which, in normal ground attitude, drains with all drain cocks opened.

(2) *Operators' responsibility—*(i) *Not under an approved system.* (a) Each aircraft shall be weighed annually in the presence of a CAA representative* to determine the operators' empty weight and corresponding c. g. position.

(b) All weight and balance data (including loading schedules, overlays,

*CAA representative may be defined as a CAA employee, air carrier employee, or designee, who is authorized by the Administrator to approve weight and balance of aircraft.

equipment lists, etc.) shall be submitted for CAA approval and file.

(ii) *Under an approved system.* (a) It is not necessary for the operator to submit weight and balance data for individual aircraft for CAA approval and file. He will be expected, however, to be prepared at any time to show that he is complying with the procedures for which he has obtained CAA approval, as well as with current Civil Air Regulations. Weight manifests shall be retained in the operator's files for a period of at least 30 days.

(b) A continuous record should be kept for each aircraft, listing all changes affecting the weight, c. g. location, and equipment included, in order that a computed weight and c. g. location may be established at any time.

(c) Each aircraft shall be weighed every two years, or at shorter intervals if the operator prefers, to determine the empty weight and the corresponding c. g. (If a fleet weight system is used, aircraft may be weighed on a fleet weight basis, established in accordance with the procedure outlined herein.)

(d) It is necessary to show the actual c. g. location on the weight manifest, except when a schedule has been prepared which insures that the c. g. will remain within approved limits under operating conditions, in which case it should be shown that the airplane is loaded in accordance with the proper schedule.

(e) The presence of a CAA representative will not be necessary during the routine weighing of aircraft.

(3) *Application for approval of weight control systems—*(1) *General.* The air carrier should submit the application to the Regional Office of the region in which his principal maintenance base is located, through the assigned maintenance agent. The application should be submitted in letter form. A report (in quadruplicate) should be attached, outlining in detail the system employed to control the weight and balance of the aircraft. For the purpose of approving the system, actual operating data for specific aircraft need not be included. This report should include the following information where such information is necessary to properly substantiate the proposed system:

(a) Description of procedures established for reporting and recording changes affecting weight and balance, with copies of all printed forms and instructions to personnel.

(b) Description of loading devices used and instructions for their proper use.

NOTE: When a mechanical computor is used for loading, the operating instructions should be furnished. It may be necessary for the operator to submit the computor for examination, in which case the computor will be returned to the operator upon completion of the examination.

(c) Copies of all printed forms (including load manifests) and instructions to personnel with regard to the proper load distribution. This should include information pertaining to filling of fuel and oil tanks, passenger seating, restriction of passenger movement, distribution of cargo, etc.

(d) Description of procedures established to determine conformity with ap-

RULES AND REGULATIONS

proved loading instructions to insure the operation of the aircraft within the approved c. g. range.

(e) Description of procedures established to inform the pilot of the loaded condition of the airplane.

(f) Information indicating the degree of responsibility of all ground and flight personnel (by title) and specific duties of each, relative to the various phases of the weight control system.

(ii) *Additional air carrier responsibilities.* Aircraft equipment lists must be prepared by the air carrier, but need not be submitted with the application. These are:

(a) List of fixed equipment standard for each model or type aircraft and included in the operating or basic weight.

(b) List of all removable equipment (including commissary, buffet equipment, meal services, etc.) and the weight and moment of each. It is satisfactory to establish an over-all weight and c. g. location for each group or list.

NOTE: Changes which alter the methods of the currently approved weight control system should be approved in the same manner as used for the original system. However, revisions which do not affect the method do not require approval.

Example. A change from a tabular to an index type loading chart would require approval, but a revision to an index unit chart, already in use, would not require approval.

(4) *Passenger and crew weights*—(i) **General.** These weights apply to operators with or without an approved weight control system. Consideration will be given to a lower average of weights for crew and passengers, provided the operator can substantiate these weights based on an average of actual weights for each group.

(ii) *Passenger weights.* The actual passenger weights may be used; however, in lieu of actual weight, the following approved averages may be used:

(a) An average passenger weight (summer) of 160 pounds may be used during the calendar period of May 1 through October 31.

(b) An average passenger weight (winter) of 165 pounds may be used during the calendar period of November 1 through April 30.

(c) An average passenger weight of 80 pounds may be used at any time for children between the ages of 3 and 12.

In all computations, either the actual or average weights indicated above will be used; in no case will a combination of average and actual weights be used. However, the above calendar periods may be varied where climatic conditions warrant, upon specific approval of the CAA.

(iii) *Crew weights.* As in the case of passenger weights the actual weight of crew members may be used or the following approved average weights may be utilized:

(a) Male cabin attendants, 150 pounds; female cabin attendants, 130 pounds.

(b) All other crew members, 170 pounds.

(5) *Passenger and cabin attendant movement*—(i) **General.** Consideration must be given to the effect of passenger and cabin attendant movement on the balance of the aircraft. The movement

of a number of passengers and cabin attendants equal to the placarded capacity of the lounges and/or lavatories must be considered. If the capacity is one, the movement of either a passenger or a cabin attendant, whichever most adversely affects the c. g. condition shall be used. When the capacity of the lavatory and/or lounge is two or more, the movement of passengers and/or cabin attendants evenly distributed throughout the aircraft, equal to the placarded capacity of the lounge and/or lavatory, shall be considered. Where seats are blocked off, the movement of passengers and/or cabin attendants evenly distributed throughout the actual loaded section of the aircraft may be used. The extreme movements of the cabin attendants carrying out their assigned duties should be considered. The various conditions shall be combined so that the most adverse effect on the c. g. will be obtained and so accounted for in the development of the loading device to assure the aircraft of being loaded within the approved limits at all times.

(ii) *Fuel use and landing gear retraction.* Consideration must be given to the effect on the balance of the aircraft of fuel used down to the CAA minimum of $\frac{1}{2}$ gallon per METO (or maximum continuous) hp. in addition to the unusable fuel and landing gear retraction. No consideration need be given to oil use.

(6) *Fleet weights.* An average operating or basic fleet weight may be utilized for a fleet, or group of aircraft, of the same model. When the basic or operating weights and c. g. positions remain within the limits established in subdivision (vii) of this paragraph. Such weights will be calculated on the following basis:

(i) The operator will determine the empty fleet weight by weighing aircraft according to the following table:

The first three aircraft must be weighed.
50 percent of the next six aircraft must be weighed.
10 percent of the remaining aircraft must be weighed.

In choosing the aircraft to be weighed, a representative number should be picked from each age group of the fleet (the number of the same model delivered during each calendar year.) This is to insure that the aircraft weighed as representative of the fleet will reflect the accuracy of the operator's weight records and expose any "service pick-up" or unaccountable weights not shown in the weight ledger.

(ii) The operator will establish the empty weight and c. g. position for each aircraft that has been weighed.

(iii) The operator will establish the empty fleet weight and c. g. position for each fleet or group of the same model aircraft by averaging the operator's empty weights of the weighed aircraft in each fleet or group.

(iv) The operator will establish the empty weight and c. g. position by calculation for each aircraft in each group not weighed.

(v) The operator will establish the basic or operating fleet weight and c. g. position for each fleet by adding the following items to the empty fleet weight for each fleet: normally removable

equipment, i. e., passenger service equipment, emergency equipment (including portable fire extinguishers), navigation equipment, flight spares, washing and drinking water, crew and crew baggage (when not variable), and drainable oil (when the oil load is not variable).

(vi) The operator will establish an operating or basic weight for each aircraft in each fleet by adding items designated in subdivision (v) of this subparagraph to the operator's empty weight of each aircraft.

(vii) If the basic or operating weight of any aircraft weighed or the calculated weight of any of the remaining aircraft in the fleet varies by an amount more than plus or minus one-half of one percent of the maximum landing weight from the basic or operating fleet weight or the c. g. position varies more than plus or minus one-half of one percent of the MAC from the fleet average c. g. that airplane must be omitted from that group and operated on its actual or calculated basic or operating weight and c. g. position. If it falls within the limits of another fleet or group, it may then become part of the basic or operating fleet weight of that fleet.

(viii) Reestablishment of the operator's empty fleet weight and the basic or operating fleet weight may be accomplished between weighing periods by calculation based on the current operator's empty weight and operating or basic weight of the aircraft previously weighed.

(ix) In cases where the basic or operating fleet weight does not vary more than the tolerance allowed, but the c. g. position varies in excess of the tolerance allowed, the aircraft may be operated utilizing a basic or operating fleet weight with individual c. g. positions.

If all aircraft are weighed, the same general procedure as outlined above shall be followed if a fleet weight is to be used.

Other methods of computing aircraft loading are permissible if it can be shown that the approved weight and c. g. limits are not exceeded.

(7) *Individual aircraft weights*—(i) **General.** When the accumulated changes to the operating or basic weight and/or c. g. position exceed plus or minus one-half of one percent of the maximum landing weight or the MAC, respectively, the loading data must be revised accordingly.

(a) *Fuel allowance for taxiing.* A compensating weight allowance of 3 pounds of fuel for each 100 horsepower METO (or maximum continuous), available to the aircraft from all of its engines may be added to the maximum weight of the aircraft.

(8) *Weighing procedure.* Normal precautions, consistent with good practices in the weighing procedure, such as checking for completeness of the aircraft and equipment, determining that fluids are properly accounted for, and that weighing is accomplished in an enclosed building preventing the effect of the wind, shall prevail. Any nationally recognized scales may be used for weighing provided they are properly calibrated, zeroed, and used in accordance with the manufacturer's instructions. Each scale should have a calibration chart, either furnished by the manufac-

turer or by a civic Department of Weights and Measures. This calibration chart should not be more than 1 year old unless the particular scales have had insufficient use and have been properly stored and cared for, thereby warranting a longer period between calibrations. In case of necessity, the scales may be calibrated on the spot. In any case, the calibration of the scales and the weight procedure must be acceptable to the CAA¹ representative.

(d) *Deletion of irrelevant information.* The portion of the Maintenance Manual which requires approval by the Administrator shall not include information which does not have a direct bearing on safety of the aircraft. Such material as organization procedures, employee conduct, rates of compensation, working hours, etc., if included in the Maintenance Manual shall be confined within a separate section.

§ 42.32-5 *Copy of maintenance manual in aircraft (CAA policies which apply to § 42.32 (d) (2)).* This manual shall contain such maintenance instructions as are necessary for the type of operations and aircraft concerned, and interpreting the air carrier's procedures to be followed in complying with the maintenance requirements of Part 42 and CAM 42 and the Operations Specifications. The foregoing shall not be construed as requiring an air carrier to carry in the aircraft complete maintenance and overhaul instructions for a particular type of aircraft. It is essential, however, that the manual contain such maintenance information as will provide adequate guidance for routine and emergency maintenance procedures, in addition to the air carrier's policy relative to their accomplishment.

§ 42.32-6 *Mandatory revisions (CAA rules which apply to § 42.32 (d) (3)).* When the operator is instructed to incorporate changes in the manual by the Administrator or his properly authorized representatives, such changes shall be made promptly in all copies of the manual in the hands of designated personnel.

FLIGHT CREW REQUIREMENTS

§ 42.44-1 *Equipment check (CAA policies which apply to § 42.44 (a) (2))—(a) Pilot in command.* The equipment check for a pilot in command shall include, but not necessarily be limited to:

(1) Thorough familiarization with the aircraft to be flown, including engines, all major components and systems, and operating procedures;

(2) Take-offs and landings under varying conditions of load, wind, inoperative engine, etc.;

(3) Flight with one or more engines inoperative, including flight with any one engine fully throttled and at maximum authorized landing weight, either at the one-engine-inoperative service ceiling or at an altitude equivalent to 1,000 feet above the highest part of the terrain over which the air carrier normally operates;

¹CAA representative may be defined as a CAA employee, air carrier employee, or designee, who is authorized by the Administrator to approve weight and balance of aircraft.

(4) Operating under normal and maximum limits of power, speed, etc.

(b) *Other pilot.* The equipment check for a pilot not serving as pilot in command shall consist of:

(1) Familiarization with the aircraft to be flown, including the established operating procedures for the engines, propellers, and all major components and systems. This portion of the equipment check may be given on the ground or while in flight.

(2) Demonstration of his ability to take off and land aircraft of the type on which he is to serve.

(c) *Crew of three or more pilots.* Whenever a flight crew of three or more pilots is utilized, those pilots who are required by § 42.43 to meet the pilot in command qualifications of that section shall also have successfully accomplished the equipment check required for a pilot in command.

§ 42.44-2 *Instrument competency check (CAA policies which apply to § 42.44 (a) (3)).* A pilot in command of large aircraft shall be required to complete satisfactorily the applicable items pertaining to the Airline Transport Rating listed on Form ACA-342A. Whenever a flight crew of three or more pilots is utilized, those pilots who are required by § 42.43 to meet the pilot in command qualifications of that section shall also have successfully accomplished the instrument check required by this section. Determination of the applicable items will be predicated on the certificate and rating held by the pilot, the equipment to be used for the flight test, and the type of operation authorized the air carrier employing the pilot.

A pilot in command of small aircraft shall be required to satisfactorily complete the applicable items pertaining to instrument rating listed on Form ACA-342A.

A pilot may be required to demonstrate his competency in each type aircraft he flies in irregular air carrier operations. However, if he satisfactorily completes a competency check on the larger and more complicated type of aircraft, he is presumed to be competent on aircraft which are smaller and present fewer problems.

§ 42.45-1 *Training program (CAA policies which apply to § 42.45)—(a) Ground phase.* The ground phase of the air carrier's pilot training and instruction program shall include:

(1) A study of the Civil Air Regulations applicable to irregular air carrier operation and of the provisions of the air carrier's operating certificate, including methods and principles of determining weight limitations for landings and take-offs;

(2) A study of the company's operations manual and procedures;

(3) Training in the duties and responsibilities of flight crew and crew members;

(4) Thorough familiarization with the aircraft to be flown including the engines and all major components, operation of cabin pressurization (if installed), oxygen system, standard operating procedures, a study of the CAA approved Airplane Flight Manual;

(5) A study of navigation, use of radio aids to navigation and such refresher courses necessary to keep airmen current in the application of any new developments;

(6) A study of meteorology sufficient to maintain a practical knowledge of the principles of icing, fog, thunderstorms and frontal systems, etc., and the best method of operating under these various conditions.

Training and instruction in synthetic-type training devices may be included in the ground phase of the training program. However, such training should be so planned that it will supplement the flight training phase and afford further training in specific instrument let-down procedures to be conducted by the pilot in irregular air carrier operations.

(b) *Flight phase.* The flight phase of the training program should be so planned as to insure adequate initial qualification of the pilot on the type aircraft on which he is to serve. It shall also provide for the continued maintenance of a high standard of pilot proficiency. This training shall include, but not be limited to:

(1) Take-offs and landings under varying conditions of load, wind, low ceiling and visibility, inoperative engine, etc.;

(2) Flight with one or more engines inoperative, including flight with any one engine fully throttled at maximum authorized load, either at one-engine-inoperative service ceiling or at an altitude equivalent to 1,000 feet above the highest part of the terrain on the route or routes to be flown;

(3) Operating under normal and maximum limits of power and speed;

(4) Conduct instrument flight including navigation by low frequency radio ranges, VHF, and ADF, letting-down-through procedures utilizing radio range, ADF, ILS, GCA, etc., whichever is used by the air carrier in its normal operations.

(c) *Emergency procedures.* The training program shall include instruction in emergency procedures particularly with respect to engine failure, fire in the air or on the ground, evacuation of passengers, location and operation of all emergency equipment, power settings for maximum endurance and maximum range, etc.

(d) *Other.* Whenever flight engineers, flight radio operators, flight navigators, or cabin attendants are utilized, appropriate and adequate training and instruction shall be included in the air carrier's training program.

§ 42.45-2 *Familiarization with aircraft involved in interchange of equipment (CAA policies which apply to § 42.45).* In the event that an interchange of equipment involves the utilization of a large aircraft in which cockpit instrumentation and arrangement of equipment differ materially from those in the types of large aircraft regularly operated by the air carrier, the air carrier's training program shall include appropriate and adequate instruction so as to insure that flight crew and crew personnel are thoroughly familiar with such dissimilarity prior to serving on the aircraft.

RULES AND REGULATIONS

§ 42.48-1 "Scheduled to fly", "scheduled to be aloft", and "scheduled for duty on the flight deck" (CAA interpretations which apply to § 42.48). The phrases "scheduled to fly" and "scheduled to be aloft", as used in this section, refer to the estimated "block-to-block time" for a particular flight under normal operating conditions. The phrase "scheduled for duty on the flight deck", as used in this section, refers to that portion of such "block-to-block time" during which the airman is scheduled for flight duty on the aircraft.

FLIGHT OPERATION RULES

§ 42.51-1 Responsibilities of the pilot in command (CAA policies which apply to § 42.51). In addition to the responsibilities prescribed in this section, the pilot in command is responsible for:

- (a) Safe and efficient conduct of the flight to which assigned;
- (b) Proper performance of duties by other assigned members of the crew;
- (c) Conducting the flight in accordance with the provisions of the air carrier's irregular air carrier operating certificate and the applicable Civil Air Regulations;
- (d) The exercise of good judgment in the planning of the flight;
- (e) Proper loading of the aircraft, stowage of cargo, and adequacy of tie-down facilities;
- (f) Determining that there are sufficient approved seats and safety belts for the number of persons aboard the aircraft, and that safety belts are fastened when required;
- (g) Proper servicing of the aircraft, including sufficient fuel, oil, and other items, such as de-icer fluid, etc., as may be necessary for the safety of the flight.

§ 42.51-2 Time of reporting for duty (CAA policies which apply to § 42.51 (b)). Each pilot should report in sufficient time prior to the start of the flight to permit reading of pilot's bulletins, current NOTAMS, studying of weather forecasts and reports, and other items pertinent to the proposed flight.

§ 42.51-3 Flight equipment (CAA policies which apply to § 42.51 (c)). Flight equipment shall include, but not be limited to, a navigation computer or calculator; current Airman's Guide; Flight Information Manual; International Flight Information Manual, if foreign flight is contemplated; and when night flight is contemplated, two satisfactory flashlights in good working order.

§ 42.51-4 Serviceability of equipment (CAA policies which apply to § 42.51 (e)). The pilot, as the authorized representative of the air carrier, is held responsible for the airworthiness of the aircraft and all its component parts or assemblies during its operation. Prior to starting any flight, the airworthiness of the aircraft will normally be determined through an inspection of the log book and maintenance records to make sure that all required maintenance functions and inspections have been accomplished and that the previously reported mechanical difficulties have been corrected. In addition, the pilot shall test the radio

equipment and such instruments as may be ground-checked for satisfactory operation. The pilot's responsibility also includes that of determining that refueling procedures and equipment are safe in all respects; such as, determination that water has been eliminated from the fuel, that sumps are drained on the aircraft, etc.

When a malfunction or other difficulty is experienced with any component of the aircraft during the flight, the pilot should determine that a reasonable margin of safety will exist with those components which remain in good operating condition. If the situation exists where an additional failure would cause a hazardous condition the pilot should not continue flight, but should land at the nearest available landing area where a safe landing can be made.

If any required instrument having functions which are not compensated for becomes inoperative during flight, a landing shall be made at the first airport where proper facilities to permit a safe landing are available.

If unable to maintain two-way radio communications, the pilot in command shall:

(a) If operating under VFR conditions, proceed under VFR and land as soon as practicable, or

(b) Proceed according to the latest air traffic clearance to the radio facility serving the airport of intended landing, maintaining the minimum safe altitude or the last acknowledged assigned altitude, whichever is higher. Descent shall start at the expected approach time last authorized or, if not received and acknowledged, at the estimated time of arrival indicated by the elapsed time specified in the flight plan.

§ 42.52-1 Operations in the Territory of Alaska (CAA policies which apply to § 42.52 (a)). For operations in the Territory of Alaska, the minimum fuel requirements specified for operations within the continental limits of the United States shall apply, except as indicated in CAM 42.52-2.

§ 42.52-2 Operation in the Territory of Alaska (CAA policies which apply to § 42.52 (b)). The minimum fuel requirements specified for operations outside the continental limits of the United States shall apply to all off-airway overwater operation into or out of the Territory of Alaska, and to all instrument operation to or from points north of Latitude 67° N. or to or from points in the Aleutian and Pribilof Islands west of Longitude 160° W.

§ 42.54-1 Other parts of the aircraft (CAA interpretations which apply to § 42.54). The other parts of the aircraft referred to in this section include, but are not limited to, carburetors, windshields, pitot-static tubes, and empennage surfaces.

§ 42.55-1 En route weather minimums (CAA interpretations which apply to § 42.55). En route weather minimums are not contained in the Flight Information Manual. However, the requirements for ceiling and distance from clouds and flight visibility while en route are prescribed in Part 60 of this chapter.

§ 42.55-2 Air traffic clearance (CAA interpretations which apply to § 42.55 (a)). An air traffic clearance obtained from air traffic control is an approval for the flight, or portion thereof, only with regard to known traffic conditions and does not authorize a pilot to violate the Civil Air Regulations pertaining to weather minimums. Regardless of any air traffic clearance obtained from air traffic control, the minimum visibility shall be not less than 1 mile for day and 2 miles for night in control zones, and 3 miles in control areas.

§ 42.57-1 Minimum facilities (CAA policies which apply to § 42.57). The minimum facilities and equipment for airport lighting where night operations are authorized and conducted shall include at least the following:

(a) Adequate boundary lights defining the boundaries of the usable area and/or adequate contact (runway marker) lights identifying the outer limits of the runways. Lights of the open-flame type (flare pots) are not considered adequate contact lights, except in an emergency. Range lights (aviation green) shall be installed and operating in conjunction with the boundary or contact (runway marker) lights.

(b) Floodlights, either of a permanent or portable type, shall be provided and operated to illuminate the ramp, apron, and passenger-loading area.

(c) Obstructions on and in the vicinity of the landing area shall be obstruction lighted. Examples of obstruction marking are outlined in the "Obstruction Marking Manual," published by the Civil Aeronautics Administration.

(d) An illuminated wind direction indicator shall be provided and located so as to be clearly visible from the ground and the air.

§ 42.58-1 Off-airway instrument operation (CAA rules which apply to § 42.58). Off-airway instrument operation may be authorized provided the aircraft is properly equipped, and the flight crew demonstrates they are capable of navigating along a predetermined flight path over a proposed route without deviating more than 5 miles or 5 degrees on either side (whichever is the lesser) from a straight line drawn between the point of departure and the next point of arrival.

The term "off-airways," as used in this manual and in the printed Standard Operations Specifications (Form ACA-1014), does not apply where a projected course of a radio range extends along the route to be flown. Therefore, no special authorization will be required where complete coverage by radio range projected courses is provided and radio facilities for authorized instrument approach and let-down are available at the point of destination.

§ 42.59-1 Placement of established procedures (CAA policies which apply to § 42.59). The procedures required by this section shall be contained in the air carrier's operations manual.

§ 42.60-1 Form of operations manual (CAA rules which apply to § 42.60). The operations manual shall be loose leaf in form with letter-size pages, and shall be numbered and indexed in a manner to

facilitate its use as reference material by the personnel concerned. Each page shall include a space in which the date of last revision will be indicated. Existing manuals may be utilized if they are found to fulfill the requirements of this section and are considered acceptable by the local Aviation Safety Agent (Operations).

§ 42.60-2 Content of operations manual (CAA rules which apply to § 42.60 (a))—(a) *Table of contents.* In preparing the manual the arrangement outlined below shall be followed.

TABLE OF CONTENTS

Chapter I. General.

Section 1. A copy of the air carrier's operating certificate and operations specifications, including the operations authorizations.

Section 2. Part 42 of the Civil Air Regulations and CAM 42.

Section 3. Instrument Approach Procedure Charts for all airports which the air carrier intends to utilize.

Section 4. Other publications deemed necessary or applicable.

Chapter II. Organization and Company Personnel.

Chapter III. Operations Instructions. General policies for the guidance of operations personnel.

Chapter IV. Operating Procedures, including loading instructions and copies of cockpit check lists.

Chapter V. Accident and Emergency Procedures, including list of emergency equipment.

Chapter VI. Training Program.

Chapter VII. Foreign Operations Instructions (if foreign operations are authorized).

§ 42.60-3 Copies of operations manual (CAA rules which apply to § 42.60 (a)). A current copy of the operations manual shall be furnished by the air carrier to the pilot.

Two copies of the operations manual and all revisions thereto shall be delivered by the air carrier to the district office of the Civil Aeronautics Administration serving the principal operations base of the air carrier.

§ 42.60-4 Copy of operations manual in aircraft (CAA policies which apply to § 42.60 (b)). In order that flight personnel of the air carrier may have more effectual use of the manual required by this section, the pilot in command shall have readily available in the cockpit a current copy of the manual required by this section, including a copy of the air carrier operating certificate and operations specifications. This manual shall contain such operations instructions as are necessary for the type of operations and aircraft concerned, and interpreting the air carrier's procedures to be followed in complying with the operations requirements of Part 42 and CAM 42 and the operations specifications.

§ 42.61-1 IFR operation in control zone or control area (CAA policies which apply to § 42.61). Prior to take-off from a point within a control zone, or prior to entering a control area or control zone when operating under IFR conditions, an IFR flight plan shall be filed and an air traffic control clearance shall be obtained from air traffic control.

§ 42.62-1 Content of flight manifest (CAA policies which apply to § 42.62).

The flight manifest required by this section shall include at least the following information:

- (a) Company or organization name.
- (b) Date of flight.
- (c) Flight or trip number.
- (d) Point of departure.
- (e) Destination (via route, etc.).
- (f) Make, model, and registration number of aircraft.
- (g) Names and addresses of passengers.
- (h) Location and weight of crew, gasoline, oil, passengers, cargo, and ballast (if any).
- (i) Empty, gross, and useful aircraft weights.
- (j) Aircraft c. g. limits.
- (k) C. g. of aircraft as loaded.
- (l) Signature of pilot or authorized loading officer.

Extra manifest forms should be carried aboard the aircraft in order to meet the requirements in regard to discharging or picking up passengers or cargo at other than the principal operations base.

§ 42.62-2 Weight control system (CAA interpretations which apply to § 42.62). The weight control system as mentioned in this section includes the loading procedures as prescribed in the Operations Manual as well as the data derived from the weighing procedures or approved weight control system set forth in the Maintenance Manual.

OPERATING LIMITATIONS FOR LARGE PASSENGER-CARRYING AIRPLANES

§ 42.81-1 Performance data on Douglas DC-3 and Lockheed 18 (CAA policies which apply to § 42.81). The take-off limitations data determined for the Douglas DC-3 with S1C3G engines and the Lockheed 18 with G202A engines are shown in tabular form in Tables 1 and 2 (Appendix A) and in graphical form in Figures 1 and 2 (Appendix B). The limiting air speed used in determining the accelerate-stop distance for the above aircraft was $1.05 V_{mc}$ which is 97 m. p. h. true-indicated air speed for the Douglas DC-3 and 109 m. p. h. true-indicated air speed for the Lockheed 18. V_{mc} is the minimum control speed when one engine suddenly becomes inoperative.

Performance data on other large non-transport category airplanes will be published prior to January 1, 1950.

§ 42.82-1 Performance data on Douglas DC-3 and Lockheed 18 (CAA policies which apply to § 42.82). The data for en route limitations, one engine inoperative, determined for the Douglas DC-3 S1C3G and the Lockheed 18 G202A is shown in graphical form in Figure 3 (Appendix B).

Performance data on other large non-transport category airplanes will be published prior to January 1, 1950.

§ 42.83-1 Performance data on Douglas DC-3 and Lockheed 18 (CAA policies which apply to § 42.83). The landing distance limitations data determined for the Douglas DC-3 S1C3G and the Lockheed 18 G202A is shown in tabular form in Appendix A, Tables 1 and 2, and in graphical form in Appendix B, Figures 1 and 2.

Performance data on other large non-transport category airplanes will be published prior to January 1, 1950.

REQUIRED RECORDS AND REPORTS

§ 42.91-1 Content of maintenance records (CAA policies which apply to § 42.91). The basic requirement of the above records is to provide a means for determining that overhaul, inspection, and check of the various units or components is performed within the prescribed time limitations. In the case of appliances, any method which will accomplish this result, other than keeping of individual time records on the units themselves, will be satisfactory.

§ 42.91-2 Principal maintenance base (CAA policies which apply to § 42.91). When the principal maintenance base is at a location other than the principal operations base, the term "Principal Operations Base," when applied to maintenance matters, shall be considered to mean the principal maintenance base. Copies of the necessary records shall also be maintained at the principal operations base if it is in a region other than the one in which the principal maintenance base is located.

§ 42.91-3 Retention of records (CAA policies which apply to § 42.91). The records required by this section shall be preserved and retained by the air carrier for a period of 2 years. For additional requirements pertaining to preservation of records, see Part 249 of the Economic Regulations of the Civil Aeronautics Board.

§ 42.92-1 Content of airman records (CAA policies which apply to § 42.92)—

(a) *General.* The following pertinent information is considered the minimum necessary in the airman records required by this section:

- (1) Name (in full);
- (2) Current duties and date of assignment (pilot, engineer, navigator, etc.);
- (3) Airman certificates (type, number, and ratings);
- (4) Date, result, and class of last physical examination;
- (5) Date and result of last 6-month instrument competency flight check for each pilot in command;
- (6) Record of each pilot's flight time including trip time, instrument, night flight time, and flight time in the make and model of aircraft on which he is currently qualified;
- (7) Records of company training for all crewmen, including actual flight, synthetic flight, and maintenance of proficiency training;
- (8) Any check pilot authorization.

§ 42.92-2 Availability of records (CAA policies which apply to § 42.92). The above information shall be made available at any time for inspection by an authorized representative of the Administrator or Board.

§ 42.92-3 Retention of records (CAA policies which apply to § 42.92). The disposition of any flight crew member released from the employ of the air carrier, or who becomes physically or professionally disqualified must be so indicated in these records and such

RULES AND REGULATIONS

records shall be retained by the company for at least 1 year. For additional requirements pertaining to preservation of records see Part 249 of the Economic Regulations of the Civil Aeronautics Board.

§ 42.93-1 *Submission of emergency flight reports (CAA policies which apply to § 42.93).* The report referred to in this section shall be submitted in duplicate to the local Aviation Safety Agent, and a copy shall be retained by the air carrier for at least 1 year.

§ 42.94-1 *Submission of pilot's emergency deviation report (CAA policies which apply to § 42.94).* The report referred to in this section shall be submitted in duplicate to the local Aviation Safety Agent, and a copy shall be retained by the air carrier for at least 1 year.

§ 42.96-1 *Mechanical hazard and difficulty reports (CAA rules which apply to § 42.96)—(a) General.* The following reporting procedure will apply to all certificated irregular air carriers which operate large aircraft and eliminates the necessity for submission of Form ACA-1226 by these operators.

(b) *Daily mechanical reports—(1) Submission of reports.* Whenever a failure, malfunction, or other defect⁶ is detected in flight or on the ground in an aircraft or aircraft component, which may reasonably be expected by the air carrier to cause a serious hazard in the operation of any aircraft, notice thereof is to be transmitted to the nearest CAA Aviation Safety District or Regional Office in the area in which the aircraft is being operated.

(2) *Times of submission.* Such daily reports should be submitted only where mechanical hazards have been detected; should be submitted within the 24-hour period from midnight to midnight of the day of occurrence; and should be transmitted to the nearest Aviation Safety Office before noon of the following working day when possible, except that reports for Fridays, Saturdays, and Sundays should be submitted not later than noon of the following Monday. When it is impossible to furnish the report before noon due to scheduling, it should be reported as early as possible, but in no case later than 24 hours after

⁶ Failures, malfunctions, or other defects not covered by CAR Part 62, which are to be reported under these rules, comprise generally the following basic items: Fire hazards, structural hazards, serious system or component malfunctions or failures, unsafe procedures or conditions, and defects in design or quality of parts and materials found installed on aircraft or intended for such installation.

the period for which the report is submitted. It is not necessary that the operator's personnel personally appear at the CAA office since such reports may be transmitted by telephone, wire, or other rapid means of communication.

(3) *Method of transmission.* Such reports may be transmitted in a manner or on a form convenient to the air carrier's system of communications and procedures.

(1) *Suggested form for transmission.* Whenever practicable, the following guide for each aircraft type should be used by the air carrier in submission of the daily reports:

(a) Type, CAA identification number of aircraft, air carrier, and date;

(b) Emergency procedure effected (unscheduled landing, dumping fuel, etc.);

(c) Nature of condition (fire, structural failure, etc.);

(d) Identification of part and system involved, including the model designation of the major component (e. g., P & W R-2800-34);

(e) Apparent cause of trouble (wear, cracks, design, personnel error, etc.);

(f) Disposition (repaired, replaced, aircraft grounded, etc.);

(g) Brief narrative summary to supply any other pertinent data required for more complete identification, determination of seriousness, corrective action, etc.

(4) *Supplementary information.* The daily reports should not be withheld pending presentation of all specific details pertaining to such items of information. As soon as the additional information is obtained, it is to be submitted in an expedited supplement to the original report, making reference to the date and place of submission of the first report.

(c) *Monthly report of chronic mechanical difficulties.* As soon as practicable after the end of each calendar month, each certificated irregular air carrier operating large aircraft shall submit three copies of a report covering the mechanical difficulties experienced during the preceding month which they consider chronic or otherwise particularly significant from a safety standpoint. The report is to fully identify all components (manufacturer, model, type, etc.) and contain sufficient information so as to enable a determination of the trend of failures and defects and to provide information on which to base corrective action. The detailed information from which such reports are prepared shall be kept current and available for examination at the air carrier's main headquarters by any authorized representative of the Administrator or Board.

The reports shall be submitted to the office of the assigned Aviation Safety Agent—Aircraft Maintenance for review, appropriate investigation, and forwarding to the Washington office of the Air Carrier Maintenance Branch.

APPENDIX A—TABLES

TABLE I—DOUGLAS DC-3 S1C3G

TAKE-OFF LIMITATION CAR 42.81

[Based on effective take-off length]

Altitude (feet)	Weight (pounds)			
	23,000	24,000	25,000	25,200
Sea level	Feet	Feet	Feet	Feet
1,000	3,195	3,260	3,330	3,340
2,000	3,325	3,395	3,470	3,535
3,000	3,465	3,540	3,615	3,710
4,000	3,615	3,695	3,780	3,875
5,000	3,780	3,860	3,960	4,060
6,000	3,970	4,060	4,160	4,265
	4,180	4,280	4,385	4,510

LANDING DISTANCE LIMITATION CAR 42.83

[Based on effective landing length]

Altitude (feet)	Weight (pounds)			
	23,000	24,000	25,000	25,200
Sea level	Feet	Feet	Feet	Feet
1,000	2,625	2,795	2,960	2,975
2,000	2,680	2,850	3,030	3,045
3,000	2,750	2,920	3,090	3,105
4,000	2,810	2,980	3,160	3,175
5,000	2,880	3,060	3,235	3,250
6,000	2,955	3,140	3,315	3,330
	3,040	3,225	3,410	3,430

TABLE II—LOCKHEED 18 G202A

TAKE-OFF LIMITATION CAR 42.81

[Based on effective take-off length]

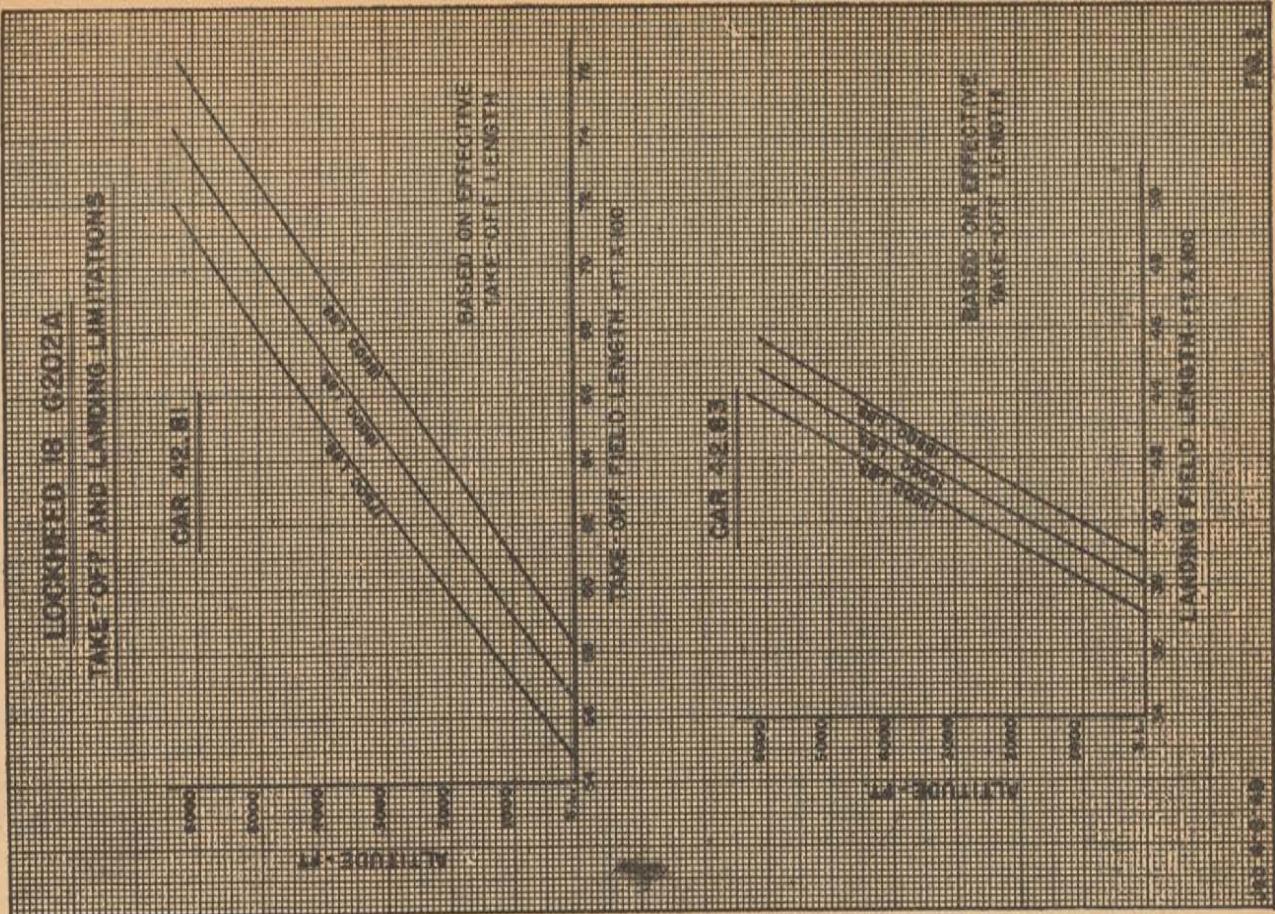
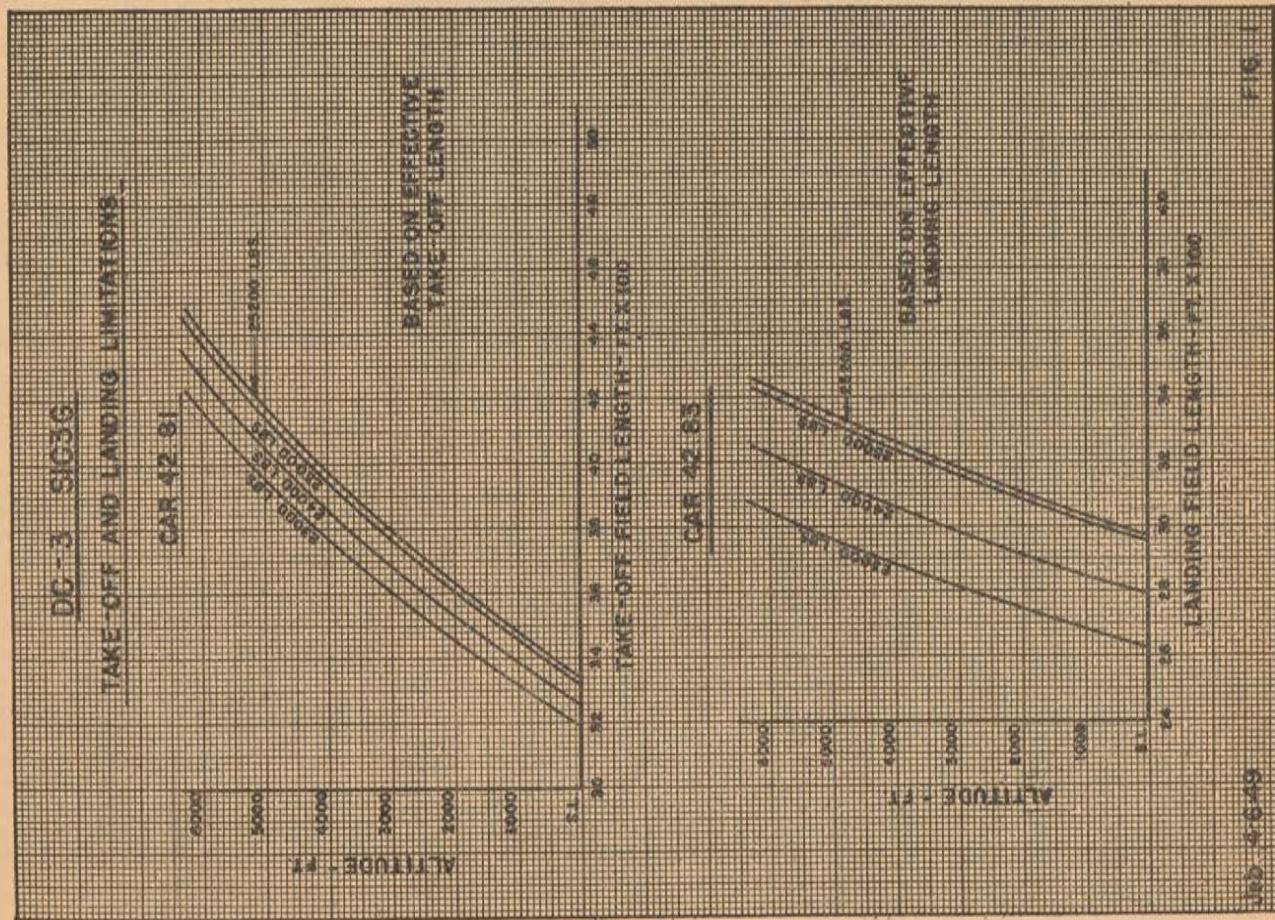
Altitude (feet)	Weight (pounds)		
	17,500	18,000	18,500
Sea level	Feet	Feet	Feet
1,000	5,470	5,650	5,825
2,000	5,740	5,920	6,100
3,000	6,000	6,195	6,390
4,000	6,270	6,470	6,680
5,000	6,545	6,760	6,970
6,000	6,830	7,050	7,275
	7,120	7,350	7,580

LANDING LIMITATION CAR 42.83

[Based on effective landing length]

Altitude (feet)	Weight (pounds)		
	17,500	18,000	18,500
Sea level	Feet	Feet	Feet
1,000	3,720	3,810	3,895
2,000	3,825	3,910	4,000
3,000	3,930	4,020	4,110
4,000	4,030	4,130	4,220
5,000	4,140	4,240	4,330
6,000	4,255	4,355	4,450
	4,370	4,470	4,570

APPENDIX B-FIGURES



for the appointment of male officers, with the following additional requirements:

* * * * *
§ 580.16 Organized Reserve Corps.
[Revoked.]

[C1, AR 625-5, Nov. 8, 1949] (62 Stat. 356; 10 U. S. C. 316)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.
[F. R. Doc. 49-9376; Filed, Nov. 21, 1949;
8:48 a. m.]

Chapter VII—Department of the Air Force

PART 880—WOMEN'S ARMY CORPS COMMISSIONED OFFICERS; ORGANIZED RESERVE CORPS

CROSS REFERENCE: For amendment of regulations with respect to Women's Army Corps, see Part 580 of Chapter V, *supra*, which was made applicable to the Department of the Air Force at 13 F. R. 8751.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders [Public Land Order 616]

ALASKA

REVOKING IN PART PUBLIC LAND ORDER NO. 46 OF OCTOBER 8, 1942

By virtue of the authority contained in the act of June 25, 1910, 36 Stat. 847 (43 U. S. C. 141-143), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 46 of October 8, 1942, withdrawing lands for classification and in aid of legislation, is hereby revoked so far as it affects the following-described public lands:

COPPER RIVER MERIDIAN

T. 4 N., R. 1 W.
Sec. 7;
Sec. 18;
Sec. 19, NE $\frac{1}{4}$ and W $\frac{1}{4}$.
T. 4 N., R. 2 W.,
Secs. 20 to 24 inclusive.

The lands shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Anchorage, Alaska, opening the lands to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. sec. 682a) as amended, with a ninety-day preference right period for filing such applications by Veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended.

J. A. KRUG,
Secretary of the Interior.

NOVEMBER 15, 1949.

[F. R. Doc. 49-9370; Filed, Nov. 21, 1949;
8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS, GENERAL RULES AND REGULATIONS.

LAWS, TREATIES, AGREEMENTS, AND ARRANGEMENTS RELATING TO RADIO

In the matter of revision of Part 2, Appendix A of the Commission's rules and regulations. List for information only, of Treaties, Agreements and Arrangements.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of November 1949;

The Commission having under consideration Appendix A of Part 2 of its rules and regulations; and

It appearing, that it is desirable to revise Appendix A of Part 2 of its rules and regulations so that it may contain a more current tabulation, for information purposes, of the many laws, treaties, con-

ventions, regulations, arrangements and agreements relating to radio, in force in whole or in part or of general interest because of other reasons.

It further appearing, that it is not necessary to comply with the requirements of section 4 (a) of the Administrative Procedure Act relating to notice and comment by interested persons since Appendix A of Part 2 of the rules and regulations is a listing for information only, and does not alter in any way the effectiveness of any of the laws, treaties, conventions, regulations, arrangements and agreements listed therein, and that for the same reasons the revision may be made effective immediately;

It is ordered, That, effective immediately, Appendix A, Part 2, rules and regulations is revised as set forth below.

(Sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (r). Applies 303 (p), 48 Stat. 1083, 47 U. S. C. 303 (p))

Released: November 9, 1949.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

APPENDIX—LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO

[Unless otherwise indicated, copies of these documents may be obtained from the Government Printing Office, Washington 25, D. C.]

1. For informational purposes the applicable Federal Laws, international treaties, agreements, and arrangements in force relating to radio and to which the United States is a party as of Nov. 1, 1949, are listed below.

Date	Series ¹	Subject
1910.....		Ship Act of 1910 as amended July 23, 1912. (Those provisions relating to required radiocommunication for ships navigating the Great Lakes.)
1925.....	T. S. 724-A.....	Arrangements between the United States of America, Great Britain, Canada, and Newfoundland effected by exchange of notes September and October 1925, providing for the prevention of interference by ships off the coast of these countries with radio broadcasting.
1928 and 1929....	T. S. 767-A.....	Arrangement effected by exchange of notes between the United States of America and Dominion of Canada governing radio communications between Private Experimental Stations. Signed Oct. 2, 1928, Dec. 29, 1928, and Jan. 12, 1929.
1929.....	T. S. 777-A.....	Arrangement between the United States of America, Canada, Cuba, and Newfoundland relating to assignment of high frequencies on the North American continent effected by exchange of notes signed at Ottawa Feb. 26 and 28, 1929. (Cuba ceased to be party by virtue of notice to Canadian Government of Oct. 5, 1932, effective Oct. 5, 1933. Arrangement still in force with respect to United States of America, Canada and Newfoundland.)
1929.....	T. S. 910.....	Safety of Life at Sea Convention with Regulations between the United States of America and Other Powers, signed at London May 31, 1929.
1930.....	T. S. 921.....	Amendment to Regulation XIX of Annex 1 to the Safety of Life at Sea Convention, Dec. 31, 1930.
1934.....	E. A. S. 62.....	Communications Act of 1934, as amended.
1934.....	E. A. S. 66.....	Radio communications between private experimental stations and between amateur stations. Arrangement between the United States of America and the Dominion of Canada (continuing arrangement effected by exchange of notes signed Oct. 2, 1928, Dec. 29, 1928, and Jan. 12, 1929) effected by exchange of notes signed Apr. 23 and May 2 and 4, 1934. Effective May 4, 1934.
1934.....	E. A. S. 72.....	Radio communications between amateur stations on behalf of third parties. Arrangement between the United States of America and Peru. Effective May 23, 1934.
1937.....	E. A. S. 109.....	Radio communications between amateur stations on behalf of third parties. Arrangement between the United States of America and Chile. Effectuated by exchange of notes signed Aug. 2 and 17, 1934.
1937.....	T. S. 962.....	Exchange of information concerning issuance of radio licenses. Agreement between the United States of America and Canada. Effectuated by exchange of notes signed Mar. 2 and 10, Aug. 17, Sept. 8, and 20, Oct. 9, 1937. This agreement was largely superseded by the notification procedure established in the NARBA (T. S. 777-A, T. S. 962, E. A. S. 227 and TIAS 1553) and under the Inter-American Radio Communications Convention (T. S. 938).
1937.....	T. S. 988.....	North American Regional Broadcasting Agreement between the United States of America, Cuba, Dominican Republic, Haiti, and Mexico. Signed at Havana, Dec. 13, 1937. NOTE: See E. A. S. 227 and TIAS 1553 which supplement this agreement.
1938.....	T. S. 948.....	Inter-American Radio Communications Convention between the United States of America and Other Powers. Signed at Havana, Dec. 13, 1937. (First Inter-American Conference.) Amended by TIAS 1802.
1938.....	E. A. S.....	General Radio Regulations (Cairo Revision, 1938) and Final Radio Protocol (Cairo Revision, 1938) annexed to the Telecommunication Convention (Madrid, 1932) between the United States of America and Other Powers. Signed at Cairo, Apr. 8, 1938. Superseded by Atlantic City Radio Regulations except with respect to provisions whose counterparts are to be found listed in Art. 47 of the Atlantic City Radio Regulations. (See explanatory note for TIAS 1901.)
1938.....		Radio Communications between Alaska and British Columbia. Agreement between the United States of America and Canada effected by exchange of notes June, July, August, September, October, November, December 1938.

¹T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Act Series.

APPENDIX—LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO—Continued
Unless otherwise indicated, copies of these documents may be obtained from the Government Printing Office, Washington 25, D. C.]

Date	Series	Subject
1938	T. S. 949	Regional Radio Convention between the United States of America (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City, Dec. 8, 1938.
1938	E. A. S. 136	Radio Broadcasting Arrangement between the United States of America and Canada. Effectuated by exchange of notes signed Oct. 28 and Dec. 10, 1938.
1939	E. A. S. 145	Use of Radio for Civil Aeronautical Services. Arrangement between the United States of America and Canada. Effective Feb. 20, 1939.
1940	E. A. S. 231	Inter-American Radiocommunications Agreement between the United States of America and other American Republics (Second Inter-American Conference) signed at Santiago, Chile, Jan. 26, 1940.
1940	E. A. S. 196	Agreement between United States of America and Mexico with regard to broadcasting effected by exchange of notes signed Aug. 24 and 25, 1940. Effective Mar. 26, 1941.
1941	E. A. S. 227	Supplementary North American Regional Broadcasting Agreement signed at Washington, Jan. 30, 1941. (See T. S. 962 and TIAS 153.) Agreement with Canada Regarding Construction and Operation of Radio Broadcasting Stations in North Western Canada effected by exchange of notes signed at Ottawa, Nov. 5 and 25, 1943 and Jan. 17, 1944. This Agreement is to "cease with termination of the war."
1944	E. A. S. 400	Inter-American Telecommunications Convention between the United States of America and Other Powers. (Third Inter-American Conference.) Signed at Rio de Janeiro Sept. 27, 1945. Not yet ratified by the United States of America. (Not available at the Government Printing Office.)
1945	TIAS 1538	Telecommunications Agreement between the Government of the United States of America and Certain Governments of the British Commonwealth, and Protocol between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland. Signed at Bernards, Dec. 4, 1945.
1946	TIAS 1553	North American Regional Broadcasting Interim Agreement between the United States of America and Other Governments (Modus Vivendi). Signed at Washington, February 25, 1946. NOTE: See T. S. 962 and E. A. S. 227. Amended by TIAS 1802.
1946	TIAS 1527	Agreement between the United States of America and Union of Soviet Socialist Republics on organization of Commercial Radio Teletype Communication Channels. Signed at Moscow, May 24, 1946.
1947	TIAS 1726	Agreement between United States of America and Canada providing for frequency modulation broadcast in channels in the F. band 88-108 Mc. Effectuated by exchange of notes signed at Washington, Jan. 8 and Oct. 15, 1947.
1947	TIAS 1670	Interim Arrangement between the United States of America and Canada with respect to Mobile Radio Transmitting Stations. Effectuated by Exchange of Notes signed at Washington June 25 and Aug. 20, 1947. International Telecommunication and Radio Conferences of Atlantic City. Signed at Atlantic City, Oct. 2, 1947. Convention effective Jan. 1, 1949 replacing the Madrid Convention of 1932. T. S. 767. The Radio Regulations (replacing the Radio Regulations of Cairo, T. S. 948) came into effect on Jan. 1, 1949, except for the table of allocation of frequencies covering bands below 20,500 kc. and certain specified articles, see part 47—which shall come into force upon the effective date of a new engineering International Frequency List, as determined by a special Administrative Radio Conference. The engineered list is to be drafted by the Provisional Frequency Board, an international body which was specially constituted for this purpose. However, all or any portion of the band 140-2850 kc. which is not subject to consideration by the PFB may come into force in Region 2 on or after Jan. 1, 1949, in accordance with special arrangements agreed upon by the interested countries of that Region. (Not yet available through the Government Printing Office. Available through the International Telecommunication Union, Geneva, Switzerland.)
1947	TIAS 1652	Telecommunication Standardization of Distance Measuring Equipment Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland. Signed at Washington Oct. 13, 1947.
1947	TIAS 1676	Agreement between the United States of America and the United Nations relative to headquarters of the UN. Signed at Lake Success June 26, 1947, brought into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary-General of the UN. (The provisions of this agreement were also made Public Law 337 of the 80th Cong., approved Aug. 4, 1947.) Radio Broadcasting Engineering Standards Applicable to the Allocated Radio Broadcasting Stations (540-1600 kc.). Arrangement between the United States of America and Canada. Effective Apr. 1, 1948.
1948	TIAS 1802	

2. In addition, the United States is bound by certain other treaties and agreements which are generally considered as superseded because certain of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound to the original document with respect to our relations with those particular countries. These include the following:

RULES AND REGULATIONS

Date	Series	Subject
1912	T. S. 881	International Radiotelegraph Convention, Final Protocol and Service Regulations. Signed at London, July 5, 1912.
1927	T. S. 767	International Radiotelegraph Convention, General and General Regulations. Signed at Washington Nov. 25, 1927.
1932	T. S. 867	International Telecommunications Convention; General Radio Regulations annexed to the International Telecommunications Convention, signed at Madrid Dec. 6, 1932.
1937	E. A. S. 200	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Habana, Dec. 13, 1937. This arrangement was replaced by Inter-American Agreement concerning Radiocommunications signed at Santiago, Jan. 26, 1940. E. A. S. 231. Countries which approved the 1937 arrangement but which have not yet approved the 1940 arrangement are Dominican Republic, Haiti, Mexico, Panama, and Peru.
		3. The following treaties, agreements and arrangements have been signed by the United States and are intended for informational purposes because of their importance or the imminence of their effective dates:
Date	Subject	
1948	International Convention on Safety of Life at Sea. Signed at London, June 10, 1948. Effective Jan. 1, 1951. Subject to the provisions of Article II of the Convention.	
1949	Inter-American Radio Agreement between the United States of America, Canada, and other American Republics. (Fourth Inter-American Conference.) Signed at Washington, July 9, 1949. Effective Apr. 1, 1950, subject to the provisions in Article 13 of the Agreement. (Not yet available from Government Printing Office. Available through the International Telecommunication Union, Geneva, Switzerland.)	

* In addition, certain Resolutions and Recommendations were adopted by a number of countries members of the International Telecommunication Union in Region 2 at Washington, July 9, 1948. (Not yet available from Government Printing Office. Available through the International Telecommunication Union, Geneva, Switzerland.)

4. There are, in addition to the foregoing, certain treaties, agreements or arrangements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission insofar as they involve communications. Among the most important of these are the following:

Date	Series	Subject
1944	TIAS 1601	International Civil Aviation Convention. Signed at Chicago, Dec. 7, 1944. Effective April 4, 1944.
1946	TIAS 1646	Special Radio Technical Meeting (COT), Montreal. ¹
1946	TIAS 1946	Regional Radio Navigation Meetings, Communications Committee. ¹
1947	TIAS 1947	Final Reports. ¹
1948	TIAS 1948	ICAO Communication Division, Second Session, Montreal. ¹
1949	TIAS 1949	ICAO Communication Division, Third Session, Montreal. ¹

¹ Not available from Government Printing Office. Available from Secretary General of ICAO, Dominion Square Bldg., Montreal, Canada.

I. F. R. Doc. 49-3885; Filed, Nov. 21, 1949; 8:40 a. m.]

PROPOSED RULE MAKING

SECURITIES AND EXCHANGE COMMISSION	consideration a proposed revision of Form 1 (17 CFR 249.1) and Form 9 (17 CFR 249.9) and of the rules under sections 5 and 6 of the Securities Exchange Act of 1934. Form 1 was originally adopted by the Commission in 1934 as the form of application to be filed by an exchange in applying for registration or exemption from registration as a national securities exchange. Form 9 was
I 17 CFR, Part 249.1	REGISTRATION OR EXEMPTION OF EXCHANGES
PROPOSED REVISION OF FORMS AND RULES	Notice is hereby given that the Securities and Exchange Commission has under

similarly adopted as the form to be used in reporting changes occurring in the information contained in the Form 1 application. The rules under sections 5 and 6 prescribe the manner in which an exchange shall keep its application for registration or exemption up to date.

The purpose of the proposed revision is to simplify the form of application for registration or exemption from registration of an exchange and to reduce the number of amendments required to be filed in keeping such an application up to date.

Changes in Form 1 consist principally of eliminating a number of questions, which experience has shown are answered in the constitutions and rules of the exchanges, required to be filed as an exhibit to the application.

Under the proposed revised rules an exchange would no longer be required to file a current amendment whenever a change is effected in the information contained in the application or exhibits.

Such changes would be reported in simplified form either by letter or by the filing of copies of notices made generally available to members. Except where necessary to correct information inaccurately set forth, an exchange would be required to file a formal amendment only once each year in order to bring its application and exhibits up to date.

The proposal contemplates that the new rules would become effective January 1, 1950, but that the old rules would not be rescinded until June 30, 1950. This is because the proposed rules contemplate that each exchange will file, as an amendment to its existing application, a complete new Form 1 statement and exhibits during this six-month period. This requirement is considered necessary because many exchanges have filed so many amendments to their original applications during the past fifteen years that such material is too voluminous for practical administrative and public reference purposes.

The action revising the forms and rules mentioned would be taken pursuant to the provisions of sections 5, 6, and 23 (a) of the Securities Exchange Act of 1934.

Copies of the proposed revised forms and rules, which have previously been submitted to each registered and exempted exchange, are available upon request to the Securities and Exchange Commission. All interested persons are invited to submit data, views and comments on the proposed revision in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW, Washington, D. C., on or before November 30, 1949.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

NOVEMBER 15, 1949.

[F. R. Doc. 49-9368; Filed, Nov. 21, 1949;
8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 17

NOVEMBER 15, 1949.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948, (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682 (a)) as amended, the following described public lands in the Anchorage, Alaska land district, embracing approximately 880 acres:

FOR LEASING AND SALE FOR HOME AND CABIN SITES

T. 12 N., R. 8 W., Seward Meridian,
Sec. 4: S $\frac{1}{2}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 9: N $\frac{1}{2}$, SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$.

2. The lands are located approximately six miles south of Anchorage. The area is served by an unimproved road connecting Campbell Airfield with the Potter Road, which is passable to passenger cars in dry weather. None of the area is served by public utilities at the present time. It is believed that adequate domestic water supply can be obtained through the use of hand dug or driven wells. Schools, churches and marketing facilities are available at Anchorage.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR, Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to this classification, and (b) are of the type of site for which the lands subject thereto have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on December 5, 1949. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference-right filings.* For a period of 90 days from 10:00 a. m. on December 5, 1949, to close of business on March 6, 1950, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (48 Stat. 747, 43 U. S. C. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on November 15, 1949, or thereafter, up to and including 10:00 a. m. on December 5, 1949, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on March 7, 1950, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference-right filings.* Applications under the Small Tract Act by the general public filed on February 11, 1950, or thereafter, up to and including 10:00 a. m. on March 7, 1950, shall be treated as simultaneously filed.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938 shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued.

NOTICES

Leases will be for a period of not more than five years, at an annual rental of \$5.00 for home and cabin sites, payable in advance for the entire lease period. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

8. All of the land will be leased in tracts of approximately five acres, being approximately 330 by 660 feet, in compact units.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, or as shown on the classification maps on file in the District Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, District Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 49-9333; Filed, Nov. 21, 1949;
8:45 a. m.]

opportunity to be heard by submitting written statements or by making oral statements at a public hearing, or both, in accordance with and after publication of an appropriate notice in the **FEDERAL REGISTER**; or

(2) Inform the public, through an appropriate notice published in the **FEDERAL REGISTER** at the same time when such an order is published, that any interested person, may submit, not later than 30 days after the date of such publication (60 days, if the order relates to lands situate in Alaska), written data or comments on the question whether the order should remain in effect or be modified or revoked.

(b) If written data or comments are submitted pursuant to a notice published in accordance with subparagraph (2) of paragraph (a) of this section, the Secretary may decide, after considering such material, that a public hearing on the matter should be held, in which case a hearing officer or hearing officers will be designated by the Secretary to conduct the hearing, and a notice of the time and place of such hearing will be published in the **FEDERAL REGISTER**.

(c) Unless instructed otherwise in specific cases, the Bureau of Land Management will prepare withdrawal orders covered by this order in accordance with subparagraph (2) of paragraph (a) of this section.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 49-9369; Filed, Nov. 21, 1949;
8:47 a. m.]

and the services connected therewith of Mid-West Airlines, Inc. (formerly Iowa Airplane Company, Inc.) over its entire system.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on November 23, 1949, at 8:30 a. m., e. s. t., in Room C-113, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., November 17, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-9387; Filed, Nov. 21, 1949;
8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

NOTICE OF PROGRAM MATERIAL AND ROOM ARRANGEMENTS AT COMPARATIVE DEMONSTRATION

In the matter of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and engineering standards concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the band 470 to 890 Mcs. for Television Broadcasting, Docket No. 8976.

1. The following is a schedule of the program material to be presented at the comparative demonstration of television systems scheduled for November 21 and 22, 1949, at Temporary Building E, Fourth Street and Adams Drive SW., Washington, D. C.

CIVIL AERONAUTICS BOARD

[Docket No. 4148]

MID-WEST AIRLINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor,

PROGRAM MATERIAL

Nov. 21, 1949

Time	Program	Furnished by	Comments
(a) 9:00-10:15 a. m.	Wrestling or boxing.	DuMont.	First 5 minutes—all receivers on 525/60 B and W. Second 5 minutes—all receivers on B and W from color transmission (except DuMont on B and W). Third 5 minutes—all receivers on own color (DuMont on B and W). Coax cable—2.8 mc. New York and return: On DuMont—9:32-9:35. On RCA—9:37-9:40. On CBS—9:42-9:45.
(b) 9:30-9:50 a. m.	Interview program with a number of persons in scene. Calendars to be shown.	do.	Parties will agree on one test pattern, to be supplied in quadruplicate, for simultaneous presentation by all parties and 1 copy to be available at E Bldg. Other test material to be agreed on by parties and provided in similar numbers. FCC may also furnish test material.
(c) 10:05-10:20 a. m.	Test patterns.	RCA, CBS, DuMont.	
(d) 10:20-10:45 a. m.	Retakes of such available material as FCC desires.	DuMont.	
(e) 1:05-1:25 p. m.	Choir, chorus, or other large group, with a number of people at different distances from camera.		

Office of the Secretary

[Order 2541]

PUBLIC-LAND WITHDRAWALS

PROCEDURE

NOVEMBER 15, 1949.

The following procedure will be used in connection with the withdrawal of Federal public lands by Executive order or public land order, or the designation of an Indian reservation in Alaska, where a withdrawal or reservation is proposed by an agency of this Department:

SECTION 1. The proposed order, when presented to the Secretary for signature, shall be accompanied by a memorandum explaining the necessity for and the purpose of the withdrawal or reservation in reasonably complete detail, and furnishing information concerning the areas and interests that may be affected by it.

SEC. 2. Whenever feasible, the agency proposing a withdrawal or reservation shall, by public notice or hearing or otherwise, secure and transmit to the Secretary, along with the proposed order, the views of interested persons on the desirability of making the withdrawal or designating the reservation.

SEC. 3 (a). In any instance the Secretary may:

(1) In advance of the promulgation of any such order, give the public an

PROGRAM MATERIAL—Continued

Nov. 21, 1949—Continued

Time	Program	Furnished by	Comments
(f) 1:40-2:05 p. m.....	Art and education: (a) Prints of several famous paintings. (b) Geography maps. (c) Chemical experiments. (d) Weaving demonstrations. (e) Animals. (f) Birds. (g) Various minerals. (h) Charts and graphs. (i) Flags of nations.	CBS.....	Coax cable—2.8 mc. New York and return: On CBS—1:45-1:50. On RCA—1:50-1:55. On DuMont—1:55-2:00. Duplicates of items (a) and (b) to be available at E Bldg. CBS to include material desired by other parties.
(g) 2:15-2:30 p. m.....	Commercial potentialities: (a) Toweling. (b) Canned goods. (c) Breakfast foods, bananas, strawberries and cream, etc. (d) Cigarette packages.	CBS.....	Samples to be available at E Bldg.
(h) 2:30-2:45 p. m.....	Retakes of such available material as FCC desires.	

Nov. 22, 1949

(l) 9-9:30 a. m.....	Variety show, including dancing, juggling and acrobatics.	RCA.....	Radio relay—4 mc.—Baltimore and return: On DuMont—9:05-9:10. On RCA—9:10-9:20. On CBS—9:20-9:25.
(l) 9:45-10 a. m.....	Puppets.....	RCA.....	Coax cable—2.8 mc.—New York and return: On RCA—10:17-10:20. On DuMont—10:22-10:25. On CBS—10:27-10:30.
(k) 10:15-10:30 a. m.....	Short play.....	RCA.....	5 minutes of film in triplicate supplied by each participant, to make 15-minute film.
(l) 1:05-1:20 p. m.....	Film.....	RCA, CBS, DuMont.	Each participant to provide one-third of slides. Each slide to be shown by all participants. Light to be reduced to approximately 10 ft.—candles 2:15 to 2:25.
(m) 1:35-1:45 p. m.....	Slides.....	DuMont, RCA, CBS.	
(n) 2-2:30 p. m.....	Woman's program: (a) Cooking. (b) Fashions. (c) Make-up. (d) Flower arrangement.	CBS.....	
(o) 2:30-2:45 p. m.....	Repeats of available material as desired by the Commission.	

2. Room arrangements for the above demonstrations are as follows:

(a) Three rooms with receivers will be utilized for the demonstrations as follows:

Room I: DuMont—12-inch B and W.
CBS—Converter (10-inch) and 10-inch table model receiver.
RCA—B and W—12-inch, or smaller.
Room II: RCA color receiver—about 10-inch.
CBS color receiver—about 12-inch.
DuMont receiver—12-inch.
Room III: RCA color receiver—16-inch, or less.
CBS color receiver—16-inch, or less.
DuMont receiver—16-inch, or less.

(b) The Commission (Group A) will be in the rooms at various times as outlined below, and Groups B and C will occupy the rooms as shown:

	Group A	Group B	Group C
Nov. 21: 9-10 a. m.... 10-10:45 a. m.... 1-3 p. m.....	Room I..... Room II..... Room III.....	Room II..... Room III..... Room I..... Room II.....	Room III..... Room I..... Room II..... Room I.....
Nov. 22: Morning..... Afternoon.....	Room II..... Room III.....	Room III..... Room II.....	Room I..... Room I.....

Adopted: November 16, 1949.

Released: November 17, 1949.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] T. J. SLOWIE,
Secretary.[F. R. Doc. 49-9384; Filed, Nov. 21, 1949;
8:49 a. m.]

ties of East Coast by Virginia; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 5th day of December 1949, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-9359; Filed, Nov. 21, 1949;
8:45 a. m.]

[Docket Nos. G-1277, G-1289]

TRANSCONTINENTAL GAS PIPE LINE CORP.
AND SOUTH JERSEY GAS CO.

ORDER ALLOWING AMENDMENT TO APPLICATION, CONSOLIDATING PROCEEDINGS, AND FIXING DATE OF HEARING

NOVEMBER 15, 1949.

On September 9, 1949, Transcontinental Gas Pipe Line Corporation (Transcontinental) filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection. Notice of filing of the application has been given, including publication in the FEDERAL REGISTER on October 1, 1949 (14 F. R. 6028).

On November 4, 1949, Transcontinental filed a motion requesting that its application be set for hearing the first week of December 1949. In its motion, Transcontinental requests that:

* * * there be severed from (its) request for a certificate (a) authorization to construct those facilities which are designed specifically for service to Northeastern Gas Transmission Company; to wit, approximately ten miles of 24-inch line and approximately twenty-six miles of 20-inch line extending from Doctors Creek (2300 feet west of Hackensack River) in Bergen County, New Jersey, through the County of Bergen * * * and through the County of Westchester in the State of New York, to a point on the New York-Connecticut line at or near the town of Greenwich, Connecticut, together with compressor station No. 20, as shown on Exhibit C attached to said application; (b) authorization to construct the sales lateral extending from Paterson, New Jersey, to the main line extension just described. In lieu of the sales lateral just described, authorization is requested for the construction of a substitute lateral extending from Paterson, New Jersey, in a southerly direction to the main line.

Transcontinental asserts, in support of its motion for an early hearing, that it is imperative that Transcontinental procure a certificate of public convenience and necessity during the early part of the year 1950 in order to carry through its integrated construction program, to avoid costly delays, to take advantage of favorable prices for pipe and compressor station engines, to negotiate the most advantageous construction contracts, and to satisfy the requirements of its

NOTICES

contracts with its existing and proposed new customers.

On October 24, 1949, South Jersey Gas Company (South Jersey Company) filed a motion to consolidate the above proceedings for the purpose of hearing and urges that the two proceedings are related and will involve certain common questions of law or fact.

The Commission finds: Good cause exists for granting said motions as hereinafter ordered.

The Commission orders:

(A) The motions filed by Transcontinental and South Jersey Company and the same are hereby granted and the proceedings at Docket Nos. G-1277 and G-1289 consolidated for the purpose of hearing.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held in the consolidated proceedings, commencing on December 7, 1949, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and issues presented by the said applications, as limited by said motion of Transcontinental to construction and operation of facilities exclusive of those needed for service to the New England area, other pleadings and intervening petitions.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.87 (f) of the said rules of practice and procedure.

Date of issuance: November 16, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-9360; Filed, Nov. 21, 1949;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24665]

PIG IRON FROM TEXAS TO ALTON, ILL.

APPLICATION FOR RELIEF

NOVEMBER 17, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3599.

Commodities involved: Pig iron, carloads.

From: Daingerfield and Lone Star, Tex.
To: Alton, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3599, Supplement 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission

in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-9374; Filed, Nov. 21, 1949;
8:47 a. m.]

upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-9373; Filed, Nov. 21, 1949;
8:47 a. m.]

[4th Sec. Application 24667]

FORMALDEHYDE FROM TEXAS AND OKLAHOMA TO WARE SHOALS, S. C.

APPLICATION FOR RELIEF

NOVEMBER 17, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariffs I. C. C. Nos. 3708 and 3752.

Commodities involved: Liquid formaldehyde, tank-car loads.

From: Tallant, Okla., Winnie and Bishop, Tex.

To: Ware Shoals, S. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3708, Supplement 221. D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 380.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-9372; Filed, Nov. 21, 1949;
8:47 a. m.]

[4th Sec. Application 24668]

CATIVO WOOD FROM SOUTH TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 17, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to the tariffs listed on attached sheet.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

Commodities involved: Cativo wood, carloads.

From: Points in the south.

To: Points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates:

C. A. Spaninger's tariff I. C. C. No.:	Supplement No.	
621		187
696		162
708		142
709		134
714		127

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 49-9371; Filed, Nov. 21, 1949;
8:47 a. m.]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

CREDIT BALANCE

In pursuance of the requirement contained in the Railroad Unemployment Insurance Act as amended by section 5 (a) of Public Law 744, 80th Congress, 2d Session (June 23, 1948), the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the Railroad Unemployment Insurance Account in the Treasury of the United States as of the close of business on September 30, 1949, was \$871,299,952.28.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 2d day of November 1949.

[SEAL]

W. J. KENNEDY,
Chairman.
F. C. SQUIRE,
Member.

By the Railroad Retirement Board:

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 49-9361; Filed, Nov. 21, 1949;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-120, 59-34]

NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

ORDER RELEASING JURISDICTION OVER ACCOUNTING ENTRIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of November 1949.

The Commission by order dated February 11, 1947, having approved the Alternate Plan of Recapitalization of New England Gas and Electric Association under section 11 (e) of the Public Utility Holding Company Act of 1935, and having in said order reserved jurisdiction with respect to, among other things, the accounting treatment incident to the carrying out of the Alternate Plan (Holding Company Act Release No. 7181); and

New England Gas and Electric Association having submitted the accounting entries which it proposes to record on its books in connection with the Alternate Plan; and

The Commission having considered the proposed accounting entries and deeming them appropriate, and that jurisdiction in respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved in the order of February 11, 1947, with respect to such accounting treatment be, and the same hereby is, released.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 49-9366; Filed, Nov. 21, 1949;
8:46 a. m.]

[File No. 70-2164]

NEW ENGLAND ELECTRIC SYSTEM AND NARRAGANSETT ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of November A. D. 1949.

New England Electric System ("NEES"), a registered holding company, and its subsidiary company, the Narragansett Electric Company ("Narragansett"), having filed a joint application pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 regarding the following proposed transactions:

Narragansett proposes to issue and sell 60,000 additional shares of common stock of the par value of \$50 each and NEES, the owner of all of the presently outstanding common stock of Narragansett, proposes to acquire said additional shares for a cash consideration of \$3,000,000. Narragansett proposes to use the proceeds derived from said sale to reduce its outstanding short-term note indebtedness.

The joint application states that incidental services in connection with the

proposed transactions will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof, estimated not to exceed \$2,000 with respect to Narragansett and \$500 with respect to NEES. The total expenses to be borne by Narragansett are estimated at \$5,600.

On November 3, 1949, the Public Utility Administrator, Department of Business Regulation, of the State of Rhode Island approved the proposed issuance and sale of said common stock by Narragansett.

NEES and Narragansett having requested that the issuance of said common stock be exempted by order of the Commission pursuant to the third sentence of section 6 (b) of the act; that such order be effective upon issuance and that said application be granted pursuant to Rule U-23 promulgated under the act without a hearing being held; and

Said application having been filed on June 6, 1949, and an amendment thereto having been filed on November 7, 1949; notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that said application, as amended, satisfies the requirements of the applicable provisions of the act and rules and regulations promulgated thereunder, that the fees and expenses in connection therewith are not unreasonable, and that the application, as amended, should be granted without the imposition of terms and conditions other than those contained in Rule U-24 and the Commission deeming it appropriate to grant the request of NEES and Narragansett that the order herein become effective upon the issuance thereof:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that the said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 49-9365; Filed, Nov. 21, 1949;
8:46 a. m.]

[File No. 70-2241]

DERBY GAS & ELECTRIC CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of November A. D. 1949.

The Commission, on October 26, 1949, issued its order permitting a declaration, filed pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 by Derby Gas & Electric Cor-

NOTICES

poration ("Derby"), to become effective. Said declaration proposed the issuance and sale by Derby of such number of additional shares of its common stock, no par value, as may be necessary to provide it with approximately \$295,000 to be used to retire its presently outstanding 2 1/4% short-term notes aggregating \$295,000.

Said order provided that the proposed issue and sale of common stock by Derby should not be consummated until the terms and conditions of said issue and sale have been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record so completed, jurisdiction being reserved for this purpose.

Derby has now filed an amendment to its declaration which states that, after negotiations with several prospective underwriters, it has accepted the offer of Allen & Co., 30 Broad Street, New York, New York, to purchase 14,723 shares of Derby's common stock, no par value, for \$284,301.13 (\$19.31 per share). The purchase contract indicates that Allen & Co. will make a public offering of said shares at an initial price not in excess of \$20.375 per share, which results in a spread of \$1.065 per share. Said amendment also states that fees and expenses to be incurred by Derby in connection with the proposed transaction are estimated in the amount of \$2,100 and include legal fees of \$1,500.

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the matters over which it had heretofore reserved jurisdiction.

It is ordered, That the jurisdiction heretofore reserved with respect to the terms and conditions of the proposed issue and sale by Derby Gas & Electric Corporation of additional shares of its common stock be, and hereby is, released and that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 49-9362; Filed, Nov. 21, 1949;
8:45 a. m.]

[File No. 70-2258]

BUFFALO NIAGARA ELECTRIC CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of November 1949.

Buffalo Niagara Electric Corporation ("Buffalo Niagara"), a subsidiary of Niagara Hudson Power Corporation, a registered holding company, having filed an application-declaration pursuant to the provisions of sections 6 (b) and 12 (e) of the Public Utility Holding Company Act of 1935 and Rule U-62 promulgated thereunder with respect to the following proposed transactions:

Buffalo Niagara has outstanding \$17,000,000 principal amount of unsecured promissory notes due to banks on or before December 31, 1950. For the purposes of its construction program, it proposes to borrow from banks an additional \$5,000,000 at an annual interest rate of 2 1/2%, such borrowings also to mature on or before December 31, 1950. The names of the lending banks and the respective amounts of their participations follow:

The Marine Trust Co. of Buffalo	\$625,000
Manufacturers & Traders Trust Co.	625,000
Liberty Bank of Buffalo	150,000
Bankers Trust Co.	500,000
Central Hanover Bank & Trust Co.	500,000
The Chase National Bank of the City of New York	500,000
The First National Bank of the City of New York	375,000
Manufacturers Trust Co.	375,000
The Marine Midland Trust Co. of New York	375,000
J. P. Morgan & Co., Inc.	500,000
The New York Trust Co.	375,000
Power City Trust Co.	100,000
Total	5,000,000

Buffalo Niagara also proposes to solicit the consent of the holders of its Preferred Stock, 3.60% Series, for it to incur unsecured borrowings not to exceed \$22,000,000 at any one time outstanding and to mature not later than December 31, 1950.

The Public Service Commission of New York by Memorandum dated November 9, 1949, indicated that it would issue its order authorizing the issue and sale of the additional \$5,000,000 principal amount of notes by Buffalo Niagara when Buffalo Niagara has filed with said Commission a certificate showing the consent of the preferred stockholders to the issue and sale of such unsecured notes.

Said application-declaration having been filed on October 17, 1949, and the last amendment thereto having been filed on November 15, 1949, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 49-9367; Filed, Nov. 21, 1949;
8:46 a. m.]

[File No. 70-2255]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of November A. D. 1949.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having filed an application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, and said application-declaration having designated sections 9 (a), 10, 11 (b) and 11 (e) thereof, as applicable to the proposed transactions which are summarized as follows:

Bond and Share owns 803,229.63 shares (16.19%) of the common stock of Middle South Utilities, Inc. ("Middle South"), a registered holding company. Bond and Share is under commitment to dispose of this stock by July 6, 1950, and proposes to accomplish that disposition through a rights offering to its stockholders and a dividend payment as described below.

Bond and Share proposes to sell 656,295 shares of the Middle South stock to the stockholders of Bond and Share of record at the close of business November 9, 1949. Such stock will be offered to the stockholders of Bond and Share at a price of \$12 per share, the said stockholders to be given the opportunity to subscribe for one share of Middle South stock for each eight shares of Bond and Share stock held. The right to subscribe for the Middle South stock will be evidenced by warrants which will expire at 3:00 p. m., e. s. t., on December 8, 1949. Fractional shares of Middle South stock will not be delivered. Bond and Share proposes to enter into an arrangement with Bankers Trust Company as subscription agent, whereby Bankers Trust Company will handle orders to buy or sell rights subject to a charge of five cents per right, payable by the holders for the handling of orders to purchase and sell rights.

If the rights offering is 100% successful, the 656,295 shares of Middle South stock being used by Bond and Share for the rights offering will be insufficient by 3,076 shares. In that case, Bond and Share proposes to acquire at market prices such number of shares, not to exceed 3,076, as may be required to complete the rights offering.

Bond and Share requests permission to purchase, for the purposes of stabilization, Middle South common stock on the New York Stock Exchange in an amount not to exceed 65,000 shares at prices not in excess of the last preceding sales prices. Such stabilization purchases, if made, will commence on the day on which Middle South's registration statement becomes effective, or, in any event, not more than five days prior to the rights offering, and will terminate upon the expiration of the rights period. Bond and Share also proposes to purchase rights on the New York Curb Exchange during the rights offering period without limitation as to amount, at prices not in excess of the last preceding sales prices.

In the event that not less than 85% of the Middle South common stock has

been subscribed for at the conclusion of the rights period, holders of the common stock of Bond and Share, who have not exercised or sold their rights, (a) will be paid cash amounts representing the value of their rights (based on the closing sale on the final day of the offering period) less allowances for expenses that would be incurred in the sale of shares represented by said rights and the expenses of remitting proceeds, or (b) Bond and Share may sell on the New York Stock Exchange, at market prices, such unsubscribed-for shares of Middle South stock and remit the net proceeds from such sales in excess of \$12 per share to holders who do not exercise or sell their rights. Within five days after the expiration of the rights period Bond and Share will determine which of the foregoing alternatives it will elect, and notify this Commission of such election. In the event that alternative (b), as above, is followed, Bond and Share will sell the unsubscribed-for shares of Middle South as soon as practicable, such sales to be made on the New York Stock Exchange with payment of the usual brokerage commissions.

Bond and Share proposes to dispose of 150,010 shares of the Middle South stock by payment of a dividend of $\frac{1}{35}$ th share of Middle South stock on each share of Bond and Share stock, payable December 30, 1949 to stockholders of record on November 30, 1949. Fractional shares will not be delivered. In lieu thereof Bond and Share will arrange to have sold the number of shares of Middle South common stock that it otherwise would deliver for fractional shares and to pay the gross proceeds from such sales to the holders of common stock of Bond and Share entitled thereto, the expenses of such sales to be borne by Bond and Share.

Any shares of Middle South stock held by Bond and Share upon consummation of the transactions described above will be disposed of by Bond and Share by not later than July 6, 1950.

The proceeds from the sale of common stock described above are proposed to be used to retire, in part, outstanding bank loans of Bond and Share aggregating \$12,000,000.

The application-declaration having been filed on October 17, 1949, amendments thereto having been filed on October 28, 1949, November 4, 1949, and November 15, 1949, notice of said filing having been duly given in the form and manner required by Rule U-23, and the Commission not having received a request for hearing within the time specified, or otherwise, and not having ordered a hearing thereon; and

Bond and Share having requested that the order herein contain findings and recitations in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereto; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, that no adverse findings are necessary thereunder, and the Commission deeming it appropriate to grant and permit

to become effective said application-declaration, as amended, subject to the terms and conditions hereinafter stated, and the Commission also deeming it appropriate to grant applicant's-declarant's request that the order herein become effective forthwith upon its issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act that the said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions stated in Rule U-24, and subject to a reservation of jurisdiction with respect to the payment of fees and expenses incurred or to be incurred in connection with the proposed transactions, and such other matters as may be appropriate.

It is further ordered, And recited that the distribution by Bond and Share to its stockholders of rights to purchase shares of common stock of Middle South, the acquisition of such number of shares, not to exceed 3,076, of common stock of Middle South as is required to complete said rights offering, the sale and transfer of shares of common stock of Middle South pursuant to the exercise of such rights, the use of the proceeds from the sale of the common stock of Middle South to retire bank loans evidenced by notes, and the payment as a dividend to the stockholders of Bond and Share of 150,010 shares of common stock of Middle South, are necessary or appropriate to the integration or simplification of the holding company system of which Bond and Share is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 49-9364; Filed, Nov. 21, 1949;
8:46 a. m.]

[File No. 70-2264]

OHIO POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 15th day of November A. D. 1949.

Notice is hereby given that the Ohio Power Company ("Ohio"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 6 and 7 thereof and Rule U-62 of the rules and regulations promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Ohio proposes to amend its charter to provide that: (1) Each share of its common stock shall have one vote (in lieu of 1/10th of a vote presently provided for); (2) the rights of the holders of shares of the Cumulative Preferred Stock to elect the smallest number of

directors necessary to constitute a majority of the full Board of Directors of the company shall accrue if and when dividends payable on the cumulative preferred stock shall be in default in an amount equivalent to four full quarterly dividends (in lieu of the six such dividend defaults presently provided for); and (3) the maximum number of shares of stock authorized to be outstanding shall be 10,700,000, divided into 10,000,000 (in lieu of 5,000,000 presently authorized) shares of common stock without par value and 700,000 (in lieu of 300,000 presently authorized) shares of Cumulative Preferred Stock of the par value of \$100 per share.

In order to effect the proposed amendments numbered (1) and (2) above, the company must obtain the affirmative vote of at least two-thirds of the outstanding stock and two-thirds of the Cumulative Preferred Stock presently outstanding, and in order to effect proposal numbered (3) above the affirmative vote of two-thirds of the outstanding stock of the company must be obtained. In this connection, American Gas, as owner of all of the outstanding stock of the company, has informed the company that it contemplates voting the 5,000,000 shares of common stock owned by it in favor of the proposals.

Under the existing voting rights, the common stock of Ohio has 71.18% of the vote and the preferred stock has 28.82%. As a result of the proposed amendments, the common stock will have in excess of 95% of the vote. The stated purpose of the proposed change in voting rights is to enable Ohio to join with American Gas and certain of that company's other subsidiaries in filing consolidated income tax returns under the Internal Revenue Code, as amended. The application-declaration states that had such consolidation been permitted for the entire fiscal year 1948, Ohio would have effected a saving of approximately \$77,000 in Federal income taxes. The proposal lessening the number of quarterly defaults in dividend payments necessary to allow the preferred stock to elect a majority of the board of directors is designed to strengthen the protection afforded to that class of stock.

The company does not expect to pay any compensation for the solicitation of proxies except such nominal expenses, estimated at not to exceed \$200, to be paid to fiduciaries or nominees for sending proxy material to principals and obtaining their proxies.

Notice is further given that any interested person may, not later than November 25, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW, Washington 25, D. C. At any time after November 25, 1949 said application-declaration, as filed or as amended, may be granted and permitted to become ef-

NOTICES

fective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 49-9363; Filed, Nov. 21, 1949;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14038]

JAMES H. STEBBINS

In re: Estate of and trust under the will of James H. Stebbins, deceased. File No. D-66-109.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edward Sprink, as Executor of the will of Frances Clara Rücker, deceased, Eva Marie Van der Leeden Keller, Karl Friedrich Van der Leeden, Jr., Helmuth Van der Leeden, Flone Ingeborg Van der Leeden, individually and as executrix of the will of Horst Van der Leeden, deceased, Horst Henning Van der Leeden, Claus Bodo Van der Leeden and Karl Friedrich Van der Leeden, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frances Clara Rücker, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the estate of James H. Stebbins, deceased, and in and to the trust created under the will of James H. Stebbins, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the United States Trust Company, as trustee, acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frances Clara

Rücker, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1949.

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-9379; Filed, Nov. 21, 1949;
8:48 a. m.]

[Vesting Order 14016]

ALADAR PACZ

In re: Estate of Aladar Pacz, deceased. File No. D-28-5212; E. T. sec. 16849.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Kuehnemann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Estate of Aladar Pacz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Margaret A. Mahoney, as Ancillary Administratrix with the Will Annexed, acting under the judicial supervision of the Probate Court of Cuyahoga County, Cleveland, Ohio;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-9381; Filed, Nov. 21, 1949;
8:48 a. m.]